Method and Theory in the Study of Islamic Origins

Edited by
Herbert Berg

METHOD AND THEORY IN THE STUDY OF ISLAMIC ORIGINS

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To John Wansbrough (1928–2002)

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PREFACE

The Qur'ān, the Sunnah, the *sīrah*, and the Sharīʿah are key elements in Islam. The study of the origins and development of these elements is therefore essential for an understanding of genesis of Islamic history and civilization. Unfortunately, the study of Islamic origins is rife with debate. Not only do contemporary scholars often disagree with the traditional Muslim depiction(s) of Islamic origins, but as this volume attests, these scholars often strongly disagree with each other. The result of this debate is the production of several competing and mutually exclusive theories of the origin of Islam.

In 1996 the editors of the journal *Method & Theory in the Study of Religion* (*MTSR*) approached me to do a special issue on Islam. My research had focused on Islamic origins, and so I thought that the most contentious issues were those raised by John Wansbrough in his *Qur'ānic Studies* published about two decades earlier. My motivation in pursuing those issues was selfish. While I found his methods and theories intriguing, I was not certain that I fully understood them. Nor was I certain if I accepted them. I had hoped to use the *MTSR* issue to invite various scholars to argue for or against, allowing their arguments to persuade me. To my great surprise, only those who shared, or at least sympathized with, Wansbrough's views agreed to participate in the project. Even with this one-sided perspective, that issue of *MTSR*, subtitled *Islamic Origins Reconsidered: John Wansbrough and the Study of Early Islam*, generated a great deal of extremely positive response and continues to do so even five years later.

In fact, it received enough attention that Russell T. McCutcheon, the editor of *MTSR*, suggested that the five papers serve as the basis of a larger independent anthology on the subject of Islamic origins. However, two of the papers had already been reprinted in another anthology, and I preferred to have a more representative sample of the various methodologies and theories that are applied by scholars of early Islam. To that end I contacted a diverse group of scholars of Islamic origins: diverse in specialty, seniority, and methodology. I asked them for articles that explored the various contemporary theories on the development of Islam in the first three centuries A.H. and exemplified (and discussed the relative merits of) the various

sources and methodologies used to support these theories. The articles assembled here come from scholars who often disagree with each other, at times vehemently. The furtherance of this debate, though, is one of the main purposes of this anthology. Another purpose of the anthology is to highlight how inextricably intertwined method and theory are with one's understanding of the origins of Islam. It is impossible to be "neutral" or aloof from such "theoretical" discussions.

I have arranged the articles under the largely arbitrary headings of "History and *Sīrah*," "Sunnah and *Ḥadīth*," "Qur'ān and *Tafsīr*," and "Sharīʿah and *Fiqh*." The articles were grouped by the main subject they addressed, but as will be readily apparent, the methods and theories applied or discussed in one subject area are equally applicable or relevant to the others. I have chosen to reprint only one article, Wansbrough's *Res Ipsa Loquitur: History and Mimesis*. As one of the most prominent "revisionists" or "skeptics" I allow him to open the debate. The final word (in this anthology) I give, however, to a scholar opposes many of Wansbrough's conclusions, at least on the chronology and provenance of early Islamic texts. Apart from these superficial arrangements, no other significance lies in the order of the papers. Nor have I written an introduction in which to contextualize the papers. The methods and theories adopted in each article speak for themselves; even those that make no explicit reference to method and theory clearly demonstrate the assumptions that underlie their arguments. To discuss Islamic origins, and as a result early Islamic history and civilization, is to discuss method and theory.

ACKNOWLEDGEMENTS

I would like to thank Russell T. McCutcheon and Willi Braun for pushing me to continue what I began with *MTSR*. I am very grateful to John Wansbrough for his permission to reprint his *Res Ipsa Loquitur* and to the scholars who generously agreed to participate in this volume. The University of North Carolina at Wilmington's financial support contributed to the realization of this project. I remain indebted to my friends and colleagues: Bill, Russell, Willi, Darlene, and Johannes, who each in their own way has tried to develop in me some methodological and theoretical sophistication. Finally, I would like to thank Stephanie for her love and other forms of support, which ultimately contributed significantly to the completion of this project.

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A. HISTORY AND *SĪRAH*

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RES IPSA LOQUITUR: HISTORY AND MIMESIS*

John E. Wansbrough

When in London Albert Einstein, following upon the Royal Society's successful expedition to photograph a solar eclipse, described the movement of bodies as contingent on a 'system of co-ordinates',[1] he observed an ancient and general principle in the organization of all experience: namely, that empirical data were of use only insofar as they could be related to a field of perception already plotted. The principle was of course analogy, and the system of co-ordinates an essential framework for making what is strange and unruly into the familiar and orderly: in other words, an exercise in intellectual domestication.

In these days of intense speculation on why and how we think what we think, analogy is so much taken for granted that all mystery must seem to be accounted for, and all data in jeopardy of becoming 'obvious' (to employ a current catchword) or self-evident. Hence my selection of title for this important occasion, in which I am hardly qualified to participate, but nonetheless sensitive to the great honour of your President's invitation to do so. Naturally, it is not all that difficult to discover some point of contact between my interests and those of Einstein, whose thought and activities comprehended most of the human condition (Terentius: *Homo sum, humani nil a me alienum puto*). My subject this evening is (and for a very long time has been) the nature of historical discourse and its apparently endless proliferation of literary expression.

Acknowledgement of historiography as literature is, though somewhat grudging, now fairly widespread. This may be nothing more than recoil from attempts to make of history a fully fledged science (recently dubbed 'Cliometrics'), but 'literature' here seems to imply little more than the fact that history is usually written in narrative prose, with,

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* Originally published as John E. Wansbrough, *Res Ipsa Loquitur: History and Mimesis*, Albert Einstein Memorial Lectures (Jerusalem: The Israel Academy of Sciences and Humanities, 1987) and originally read March 16, 1986. The article therefore uses British spelling and conforms to a different editorial system.

[1] In response to an invitation from the *Times*, 28 November 1919.

as one historian put it, 'the added constraint of factuality'.[2] On both counts, of narrative style and of factuality, the assertion may be thought just a little ingenuous, as any serious student of 'literature' is bound to observe. It is well known that Aristotle reckoned history amongst his literary genres, but with the significant observation that its proper domain is the particular descriptive statement from which nothing relevant might be omitted.[3] That was in contrast to poetry, characterized by the universal truth of a general statement. Two remarks seem pertinent: (1) Aristotle's distinction between the two genres turns upon the implicit (!) role of *referent* in historiography, about which he is somewhat naive; (2) his definitions are embedded in a discussion of *mimesis*, about which I will in due course have something more to say.

At least the scene was set, some twenty-five hundred years ago, for an analysis of what the historian ought to be about. In the view of Aristotle, it might seem, his task was to depict in the most minute detail the events of the past. There are some, even today, who suppose their task to be 'discovery of a pre-existing true state of affairs'.[4] Most, however, recognize that they must settle for something less than that, namely, a selectivity that in turn not merely imposes upon them choice of topic but also a corresponding stylistic constraint. What exactly, in other words, is a sentence?

With that question I am admittedly compelled to trespass upon the domains of the linguist, the philosopher and the literary critic, as well, of course, as that of the novelist. In a typically provocative essay, Clifford Geertz has shown how the traditional disciplinary lines of demarcation have been dissolved. In an impressive parade of names from Steiner and Levi-Strauss to Doctorow, Borges and Nabokov, the intentional blurring of genres is demonstrated, to-an extent that must obliterate the ancient and time-honoured distinction between history and fiction.[5] Now, whatever one might think of this development, it is clearly here to stay and must cause some unease among historians who had staked a claim on their special ability to tell us

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[2] Cf. J. Barzun, *Clio and the Doctors*, Chicago 1974, esp. pp. 54–59, 116–118.

[3] *Poetics*, 1451 and 1459; cf. G. Grube, *The Greek and Roman Critics*, London 1965, pp. 83–85; R. Humphreys, 'The Historian, His Documents, and the Elementary Modes of Historical Thought', *History and Theory*, XIX (1980), pp. 1–20.

[4] E.H. Carr, *What is History?*, London 1961, esp. pp. 85–102; cf. J. Price, review of Carr, in *History and Theory*, III (1964), pp. 136–145.

[5] C. Geertz, 'Blurred Genres—The Refiguration of Social Thought', *The American Scholar*, XLIX (1979–1980), pp. 165–179.

'what really happened' (*'wie es eigentlich gewesen*). Thus, the 'language game' has got to be played, and, moreover, from the premise that *text* is the primary datum of human experience. Further requisites are a literate public, a concept of 'reading' as productive, and curiosity about 'writing' as not merely interpretative but creative in the ontological sense (*Gestaltung*).

One consequence will be the need for historians to explain, in *post*-Aristotelian terms (!), how what they do is different from writing novels. Both those ancient parameters, 'referent' and 'mimesis', will undoubtedly benefit from further scrutiny. It is no longer enough to be assured that the 'sources' tell us this or that. The very prose in which the assurance is expressed has become suspect. To adduce many instances would not be so difficult but certainly distracting. What I propose here is examination of two such [examples], actually quite dissimilar, but which for methodological reasons appear to have attracted a very similar if not quite identical treatment.

My first example is the commentary generated by a *significant* (!) portion of Arabia in the seventh century C.E. Of that there exists a good deal, in a more or less continuous stream from then until now. 'Stream' is perhaps not the right word: 'torrent' might be more appropriate to the volume of literature provoked by the uninterrupted effort to depict the origins of Islam. And that is the first point I should like to make. The very quantity of the corpus must figure in its critical assessement. Like the Mongol conquest, the discovery of the New World, and the French Revolution, that remote Arabic 'event' now constitutes a major preoccupation of the historians' guild. From this position it has undoubtedly profited, and that is my second point. Quantity not merely produces but determines quality: very few are the exegetical methods that have not been, in the course of this long and arduous confrontation with the past, exploited in an attempt to understand that literature. I see these as falling into one of the three following categories: (a) Islam as the re-casting of pre-Islamic Arabia; (b) Islam as the product of minority (external) historiography; (c) Islam as the response to interconfessional (Judaeo-Christian) polemic, what I have elsewhere essayed to describe as the 'sectarian milieu'.[6] Now, it is not my intention this evening to burden you with what I have offered historians by way of exegesis. The passage of time

[6] J.E. Wansbrough, *The Sectarian Milieu—Content and Composition of Islamic Salvation History*, Oxford 1978, passim, but esp. pp. 32–49 and 114–119.

involves a significant intellectual therapy, and while I have not moved in any of the directions so ardently advocated by my many critics, I have managed to move, and this must be a token of some residual vitality. The process is standard and thus familiar: comparison throws up as many antitheses as it does analogies, and it was by juxtaposition of this first example with my second—a *not so significant* (!) portion of Syria in the fourteenth century B.C.E.—that I was impressed by the enduring obstinacy of historical method.

But let us consider for a moment that remote portion of Arabia. Bereft of archaeological witness and hardly attested in pre-Islamic Arabic or external sources, the seventh-century Hijaz owes its historiographical existence almost entirely to the creative endeavour of Muslim and Orientalist scholarship. Though I am obliged to add that these have seldom been found in collusion, there is an impressive unanimity in their assent to the historical 'fact'. Since the evidence, or its absence, is common to both traditions, it might be thought that they share certain methodological presuppositions. These could be set out in the following ways:

(a) as 'paradigm' = the general hypothesis according to which empirical and other data are perceived;[7]
(b) as 'structure' = the system of co-ordinates by which analogy and internal consistency are established;[8]
(c) as 'linguistic closure' = the syntactic and semantic constraints imposed by selection of a vocabulary to depict events in language.[9]

Now, together these rubrics are meant to comprehend the sum of techniques available to the historian in his exegetical task. They also happen to describe the means available to any writer, or, for that matter, speaker, whose intention it is to convey an impression (and it can be no more than that) of his own or someone else's experience. Appeal to 'common sense' is merely recourse to a (one hopes) shared paradigm; explanation can only be insistence upon an intelligible choice of structure; and style must inevitably reveal a personal

[7] S.C. Pepper, *World Hypotheses—A Study in Evidence*, Berkeley-Los Angeles 1966, esp. pp. 115–137; T.S. Kuhn, *The Structure of Scientific Revolutions*, Chicago 1970, esp. pp. 43–51.

[8] R. Barthes, 'Historical Discourse', in *Structuralism—A Reader*, London 1970, pp. 145–155; J. Culler, *Structuralist Poetics*, London 1975, passim, but esp. pp. 96–109.

[9] Wansbrough (above, n. 6), pp. 141–142 ad M. Arkoun, 'Logocentrisme et vérité religieuse dans la pensée islamique', *Studia Islamica,* XXXV (1972), pp. 5–51.

decision about the adequacy of language to the task of description. This is not to say that historical or any other literature can persist (at least for very long) in a condition of solipsism. All expression is constrained—indeed imprisoned—by the grammar of a sentence.

And what has all that got to do with the seventh-century Hijaz? I would say approximately this: the sources for that historical event are exclusively literary, predominantly exegetical, and incarcerated in a grammar designed to stress the immediate equivalence of word and world. Or, I might be inclined to add: all we know is what we have been told. With neither artifact nor archive, the student of Islamic origins could quite easily become victim of a literary and linguistic conspiracy. He is, of course, mostly convinced that he is not. Reason for that must be confidence in his ability to extrapolate from the literary version(s) what is likely to have happened. The confidence is certainly manifest; the methodological premises that ought to support, or, at least, accompany it, are less so. One can only suspect the existence somewhere of a tacitly shared paradigm, that is, an assumption that the literature in question has documentary value. Such it has, indeed, though not quite in the sense here supposed. However that may be, the assumption itself might seem to be corroborated by a further curious circumstance: I mean the near absence of Islamic data from comparative studies of religion. The material from which relevant data could so easily be culled has come to be regarded as sui generis, as though of value only for the unique historical phenomenon it purports to depict. Now, while all historical phenomena are admittedly unique, the means of describing them are severely limited. I refer to linguistic constraints: whether these entail, or merely reflect, conceptual ones, is a problem I am unable to solve. In any case, the constraints themselves permit erection of a 'system of co-ordinates', and thus discovery of the analogies indispensable to description. Of course the procedure can be exaggerated, and we have had warnings enough about the dangers of 'parallelomania', at least when defined as historical diffusion. But that definition is neither complete, nor, for that matter, necessary.

Reading literature as history is a common if controversial pastime. While I am often tempted to respond by reading history as literature (and have frequently been accused of this impropriety), there is surely some more practical mode for making the transfer from unique event to general proposition. In order to deal with the reports of seventh-century Arabia, I divided the field into constants and variables:

the former representing the 'basic categories' common to most descriptions of monotheism; the latter representing 'local components' that give each version its special character. Recourse to this simple taxonomy seemed to facilitate a discussion of Islamic origins in terms that would make sense to any student of religion, in short, to make of the unfamiliar an intelligible unit of study. The constants were prophet, scripture, and sacred language; the variables were the specifically Arabian features of these, together with such traces of local usage as could be inferred from its later abrogation by the new faith (e.g. in ritual practice and civil law). In this scheme of things, the problem of diffusion need not, but inevitably does, arise. The obvious, and certainly easier, alternative is to calculate the factor of polygenesis: that is, prophets are the agents of divine revelation which, once recorded, must contain the sacred language of God's word. That calculus does not, of course, yield a specifically Mosaic exemplar for Muhammad or a Davidic genealogy for Jesus. But those are variables and of only marginal interest to the structural study of religious phenomena. However, my proposals have found favour with neither Muslims nor Orientalists, and that, I suspect, for the very reason that historians regard their task as the elucidation not of constants but of variables. The paradigm, I have suggested, is Aristotelian and just possibly in need of revision. The two points at which such might be undertaken are the concepts of referent and mimesis.

Though mostly employed as an existential, hence empirical, concept, 'referent' requires for all but the contemporary chronicler an act of faith. The act is of course not quite arbitrary: it is sanctioned by guild membership. One reads the works of one's colleagues, and, sooner or later, something like a consensus emerges. In most cases that will have been underpinned by the 'hard', if often mute and impenetrable, evidence of archaeology and/or archive. But not always. And I have referred repeatedly to the literary and exegetical character of the sources for the seventh-century Hijaz. The implicit caveat is heard but seldom heeded. The notion of literary 'convention' must be in some way found abhorrent, for there is a perennial urge to substitute for it historical 'reality'. (I am here reminded of the recurrent question asked by my children, when many, many years ago I used to read aloud to them in that last hour before bedtime such classics as *Oliver Twist* and *David Copperfield*: 'Is it true?' they would ask. They meant of course 'Did it happen?', and while I could hardly assure them of that, I was able to say that it was very true indeed.)

In other words, 'referent' may also function as a literary convention, as that attractive (because reassuring) link between experience as reader and experience in life. But if 'referent' is a psychological necessity, its historicity is not thereby confirmed. Now, Aristotle told us that the purpose of history, as a literary genre (!), was to retail the event in all (not merely its significant!) detail. He took into account neither the fallibility of the eye-witness nor the constraints of the medium (= language) available to him for that task. I have already intimated that his assessment was ingenuous. Unfortunately, he uttered no further word on that particular subject, and one must suppose that those otherwise precious powers of analysis were in this instance satisfied with what everyone knows to be 'common sense'.

In respect of mimesis Aristotle had rather more to say. Much of it is widely familiar as an analysis of representation, and in particular of mimicry and imitation.[10] The context is tragedy and the examples theatrical. Of epic mimesis he thought rather less, and found only Homer to be an unqualified success. It was this treatment of the subject, defined as 'the reproductions of reality', that generated the now classical monograph of Erich Auerbach.[11] But elsewhere, Aristotle employed the term 'mimesis' to describe the relation of numbers to geometric figures, and thus introduced, as it were, a new dimension into the argument.[12] That was the condition that the mimetic process involved transfer to a different medium, a postulate not so easily derived from his analysis of tragedy. Epic poetry might have provoked this *aperçu*, as would have history, but in the event did not. It is of course the notion of a new (or different) medium that requires a definition of mimesis not as 'reproduction' but as 'production of reality'. And that provides a rationale for the creative licence to which so few historians are inclined to lay claim. Grounds for this modesty must be manifold, and I would not dream of trying to identify them. What must, however, be said is that historiography, like every other kind of literature, does employ a new medium. That medium is language, which involves willy-nilly its own set of constraints. For example, nothing can be linguistically depicted

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[10] *Poetics*, 1447–1462.

[11] E. Auerbach, *Mimesis—Dargestellte Wirklichkeit in der abendländischen Literatur*, Bern 1946, passim, but e.g. p. 183 ad Dante.

[12] *Metaphysics*, V, 14; cf. V. Zuckerkandl, 'Mimesis', *Merkur*, XII (1958), pp. 225–240; J.E. Wansbrough, *Bulletin of the School of Oriental and African Studies*, XXXIX (1976), pp. 443–445.

except as linear and sequential. That very meaning of 'syntax' = order generates in narrative prose a capsular consistency that, in the context of historical discourse, takes on an uncanny resemblance to logic and causality. Language is also constrained by semantic association: every unit evokes not merely itself, but also its antithesis and a penumbra of metaphorical and metonymical reference. Employment of such simple and apparently unambiguous epithets as 'regalian', 'sacral', 'urban', 'mercantile' etc. must entail for every reader and, more important, every writer a concatenation of acquired imagery that can hardly be presupposed or, more important, pre-controlled.

Now, my purpose in adducing these homespun truths is to remind you of this simple and quite straightforward precept: the historical record consists of nothing more or less than human utterance and ought to be assessed by reference to all the criteria now assembled for this very rewarding task. If I have managed (and this is all but certain) to persuade you that what we know of the seventh-century Hijaz is the product of intense literary activity, then that record has got to be interpreted in accordance with what we know of literary criticism. My own experiment, in terms of structural features and formulaic phraseology, was never intended to be more than that: an experiment. Reactions to it provoke the impression that to historians the factor of ambiguity is not especially welcome. What seems to be required is some kind of certainty that what is alleged to have happened actually did. I doubt very much whether, for this particular segment of the story, we can attain to that certainty: the requisite material is not to hand. And that is the purpose of my second example of historical mimesis. Here, scholarship basks in an almost unique condition of liberty: the sources are exclusively archaeological and the record innocent of any contextual analogy to standard models. That these basic conditions have not deterred historians from erecting a 'system of co-ordinates' and from 'discovery of a pre-existing true state of affairs' must tell us something about the dedication to 'fact' of that professional guild.

About the second example: the phrase 'a *not so significant* portion of Syria in the fourteenth century B.C.E.' is merely intended to convey the absence of an exegetical factor in the extant record from the Bronze Age settlement at Ras Shamra known to us as Ugarit. Its traces are severely and literally 'objective': these include a remarkably heterogeneous range of artifacts, several collections of cuneiform tablets exhibiting at least six languages, evidence of municipal, reli-

gious, funerary and domestic architecture, distributed in an urban plan containing carefully executed portions of enclosed and open space, on a site so far estimated to be an area of fifty acres, to which may be added the nearly adjacent coastal sites of Minet el-Beida and Ras Ibn Hani. Even without external support, all this had to be capable of yielding some sort of image for a toponym virtually unknown to Orientalist scholarship until the discovery of the Amarna correspondence.[13] Circumstantial evidence, subsequently perceived, has been only marginally helpful: e.g. random attestation in cuneiform (Ebla, Man, Alalakh, Palestine) and Egyptian (Karnak, Memphis) sources. The full chronology of Ugarit is almost entirely notional: 'fourteenth century B.C.E.', based on Amarna, is symbolic of a possible millennium 2200–1200. 'Significance', in other words, has had to be read into, not out of, the traces. The process might be described as one of metamorphosis: from discrete and antiquarian remnants towards a legible pattern of meaningful experience. That this could be achieved at all required a good deal of imagination and the application of several techniques in essence and fact quite different from those of the literary critic. Here we have no commentary for analysis, which is all we had for the seventh-century Hijaz, but rather, an abundance of hard and mute 'fact'.

So confronted, the historian of the ancient Near East has been compelled to adopt at least one—often more—of a number of strategies for expression of these data. In theory his choice might appear to be unlimited; in practice it has been unexpectedly restricted. Reason for this must lie somewhere in the acceptance of a paradigm for assessing discrete and random witness (archaeology is after all notoriously unpredictable): i.e. it can only be read in terms of a prefigured system of co-ordinates. Selection of the system will in turn depend on what is already available. For Ugarit the choice comprehended several (vaguely) contemporary models (themselves hardly certain in their political and socio-economic contours): e.g. Hittite, Aegean, Cypriot, Canaanite, and Egyptian. The manner in which Ugaritic data have been slotted into these unstable structures inspires only qualified confidence. For example, the site has been described

[13] I.e. 1887: J.A. Knudtzon, *Die El-Amarna Tafeln*, Leipzig 1906–1915, esp. pp. 308–318 and (O. Weber) 1016–1017, 1097–1102; cf. C. Kühne, *Die Chronologie der internationalen Korrespondenz von El-Amarna* (Alter Orient und Altes Testament), Neukirchen-Vluyn 1973; J.G. Heintz, *Index documentaire des textes d'El-Amarna*, Wiesbaden 1982.

both as a 'maritime metropolis' and as a 'territorial state'. One might be excused for supposing that it was none of the above-mentioned contemporary contexts, but rather Venice, that supplied this particular model. The maritime dimensions of Ugarit are traced from the Aegean via the coast of Hittite Asia Minor and Cyprus to Egypt (on the basis of some very ambiguous documentation); its territorial dimensions are estimated to include some sixty kilometres of coastline by about forty kilometres of hinterland = 2400 sq km of political hegemony, containing 195 named localities with a population of around 25,000.[14] Evidence for that reconstruction has been derived from the occurrence of toponyms in Ugaritic chancery records, none of which provides unequivocal witness to the political entity so depicted. But that was only the beginning. Once the general situation of Ugarit had been staked out in the interstices of surrounding archaeology, it seemed easy enough to fill the gaps by recourse to a series of case studies, each the product of a separate comparison with materials quite disparate in time and space.

Perhaps the most remarkable, and certainly the best known, have been those adduced to support a reconstruction of culture in Ugarit: its language is described as Proto-West Semitic (mostly via Classical Arabic), its literature is deemed Canaanite epic (mostly via Biblical Hebrew), and its religion interpreted as a version of ancient Near Eastern mythology (via tenuous correspondence with the theophonic nomenclature of a Semitic pantheon).[15] While none of these postulates is entirely without substance, the first two might be thought to suffer from a kind of diachronic disability, and the third from a generous proportion of unaccounted for onomastic. At least two characteristics of the procedure inherent in this exercise are salient: (1) the easy metamorphosis of the philologist's hypothesis into the historian's 'fact'; and (2) the reconstruction of Ugarit as a source or vehicle of subsequent evolution. The methodological significance of both is enormous. Together they constitute the paradigm of historical explanation.

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[14] A panoply of this exegesis may be found apud M. Liverani, *Storia di Ugarit nell'età degli archivi politici*, Rome 1962; M. Astour, 'Ugarit and the Great Powers', in *Ugarit in Retrospect*, Winona Lake (Indiana) 1981, pp. 3–29; M. Heltzer, *The Internal Organization of the Kingdom of Ugarit*, Wiesbaden 1982 (with reference to earlier studies).

[15] E.g. S. Segert, *A Basic Grammar of the Ugaritic Language*, Berkeley-Los Angeles 1984; J.C.L. Gibson, *Canaanite Myths and Legends*, Edinburgh 1977; J.C. de Moor, 'The Semitic Pantheon of Ugarit', *Ugaritforschungen*, II (1970), pp. 187–228.

One works, after all, from established fact towards a linear sequence of development. Nothing is more welcome than that which can be seen to herald the later circumstance, even or perhaps especially when its intrinsic ambiguity has been interpreted precisely to that end. The circularity of this logic has of course been noticed, but seldom taken fully into account in the actual calculation of results. To this day the Ugaritic language, even its alphabet, is something of an enigma, its literature only barely elucidated (and certainly not in a linear development that could have produced the Hebrew Bible), and its religious expression remains incarcerated in a plethora of as yet unexplained god-names and rituals.[16] But that is not to say that the reconstruction so far generated is without value. Every configuration of data has got to be of some use, if only to remind us of its methodological limits. But the sum of such lucubration is less important than the means by which it was delivered.

Less well developed, but gathering gradually in substance, are the 'case studies' concerned with the political entity called Ugarit. Here all available data have been assimilated to a model of monarchic authority: not merely monarchic, but autocratic in expression and dynastic in transmission. Once adopted, this interpretation has dictated the course of further description, e.g.,

(a) internal administration: the 'king' as initiator and final arbiter of executive decisions;
(b) external relations: the 'king' as sole respondent in negotiation, whether in tributary or autonomous status;
(c) military organization: the 'king' as sole donor of rank and authority;
(d) naval organization: the 'king' as disposer of fleet movement and allocation;
(e) economic activity: the 'king' as source and exclusive principal of commercial transactions.

Evidence for this remarkable versatility has been found in chancery records, admittedly plentiful but also notably lacunal in their coverage of the transactional apparatus. But once linked to a familiar model, the gaps could be filled by resort to imaginative reconstruction. Like all such, the 'regalian' model exhibits an a priori decision about the

[16] Cf. J.E. Wansbrough, 'Antonomasia—The Case for Semitic "em"' in *Figurative Language in the Ancient Near East*, London 1987 (forthcoming).

relevance of archaeological/archival data. It is here not a matter of selectivity, but of a hermeneutic grid by means of which all the available material could be processed. The result was thus predetermined. The method is admittedly a standard one and hardly without precedent. Its point of departure, however, is nothing more than a reading of the West Semitic term 'm.l.k.' as unambiguous reference to 'kingship', a meaning it did eventually acquire, but rather later than the period in question. Without that gratuitously adduced ingredient, the chancery records of Ugarit attest to the indisputable activity of a merchant oligarchy exhibiting the normal gain-motivated behaviour of businessmen.[17]

In this very context of source analysis a further point could be made. The polyglot chancery of Ugarit, to which I have already referred, has been traditionally aligned with the practice of contemporary and land-locked models served by Akkadian as *lingua franca*. While the abundance of tablets in that very language must attest to its widespread use, that can hardly be adduced as witness to its exclusive employment for international relations. One needs little more than the material pertinent to contact between Cyprus and Ugarit to suppose that in the Levantine context the Ugaritic language enjoyed intelligibility far beyond the confines of the metropolis. This surmise might also benefit from an historian's analogy: if the later Phoenician commercial expansion did not depend on, it almost certainly profited from, the concomitant spread of its local idiom. But even without this, one could guess from the Ugaritic finds beyond Ugarit that communication might occasionally take place outside the strictures of a complex and arduous school tradition (which is the only way that Akkadian can be described). Moreover, the respective distribution in the chancery records of Ugaritic and Akkadian scarcely shows demarcation along the lines of internal and external business—that is, Akkadian is abundantly exhibited in both spheres. It is tempting to suppose that selection is directly related to scribal training and a certain degree of experiment. The creation of a chancery rhetoric is the product of several variables, of which only the most obvious is communication. With a single exception, itself merely a paraphrase, we have no instance of a document in both Ugaritic and Akkadian versions. A provisional con-

[17] Cf. J.E. Wansbrough, 'Ugarit—Bronze Age Hansa?' in *Asian Trade Routes*, London 1987 (forthcoming).

clusion would have to be that the chancery scribe wrote the language he knew best. On the other hand, it would not be amiss to acknowledge the fragmentary character of archaeological data.[18]

In what, then, does the 'significance' of Ugarit consist? Its 'factuality' can hardly be disputed; its meaning, however, is a methodological construct. While this ought to provoke no particular surprise, it may be worth mentioning a recent application of the data. In his study of economic structures in the ancient Near East, Morris Silver made liberal use of the Ugaritic material to demonstrate the existence of a market economy in the second millennium B.C.E. As must be well known, the argument is addressed to the thesis of Karl Polanyi which asserted the opposite, namely, that economic transactions in the Bronze Age were initiated and implemented from a regalian centre, what is, in other words, professionally defined as a 'palace economy'.[19] While in my view Silver's interpretation of the data is emphatically sounder than Polanyi's, it must be said that both are economists, and thus dependent upon the exegesis made available by historians. To have achieved such diametrically opposed readings, each must have started from an independently adopted 'system of co-ordinates'. Like most of the random and discrete findings of ancient Near Eastern archaeology, the material from Ugarit is obstinately mute. Its organization demands a self-conscious commitment to a style of historical discourse that equates causality with continuity. But it is precisely the absence of continuity in these data that attracts attention to the stylistic exercise. Prosopography is exiguous, localities are elusive, institutions evanescent, and the actual transactions of daily life a matter of deduction from 'common sense'. That despite these disabilities a coherent account of Ugarit could have been produced attests to an admirable and perennial mimetic talent. For the archaeologist Aristotle's

[18] Cf. J.E. Wansbrough, 'Ugaritic in Chancery Practice', in *Cuneiform Archives and Libraries—Papers Read at the 30th Rencontre Assyriologique Internationale, Leiden, 1983* (Publications de l'Institut historique et archéologique néerlandais de Stamboul, LVII), Istanbul 1986, pp. 205–209. Further observations on these matters are set out in my forthcoming study entitled *Chancery Practice and the Problem of* Lingua Franca.

[19] M. Silver, *Economic Structures of the Ancient Near East*, London 1985, esp. pp. 71–144 ad theses of K. Polanyi finally expressed in the posthumous edition of H. Pearson, *The Livelihood of Man*, New York 1981; but cf. already K.R. Veenhof, *Aspects of Old Assyrian Trade and Its Terminology*, Leiden 1972, esp. pp. 345–357; R. Adams, 'Anthropological Perspectives on Ancient Trade', *Current Anthropology*, XV (1974), pp. 239–258; J. Gledhill & M. Larsen, 'The Polanyi Paradigm and a Dynamic Analysis of Archaic States', in *Theory and Explanation in Archaeology*, New York 1982, pp. 197–229.

'referent' is supplied; its 'context' = significance has got to be found, and that is the reason for my juxtaposition of two such markedly different specimens of historical inquiry.

And yet, their treatment has not been so very different. It must by now have become clear that my expectations of historical method are seldom fulfilled. I should have supposed that two such contrasting sets of data must generate distinctive modes of analysis. Instead, a mildly interesting convergence of method is discernible: while the artifacts of Ugarit have been translated into a narrative pattern of events, the literary account of the Hijaz has gradually assumed the status of an archaeological site. The element common to both is stratigraphic analysis. Its purpose is identification of something tangible that can in turn be called 'fact'. On a dig, this imagery is naturally persuasive; in a chronicle it is in danger of missing the point. But it does indicate selection of a paradigm that generates not merely the appropriate question but also the type of answer expected. Once uttered that expectation is rarely disappointed. It is after all in the nature of things that it should not be. And that is what one might, perhaps uncharitably, call the 'tyranny of history'.

Now, in recent years a great deal (even, perhaps, too much) has been written about the nature of 'historical understanding', identified by such tags as 'metahistory',[20] 'dialectic',[21] and 'hermeneutics'.[22] But no amount of conceptual theorizing has been able to dispel the apparently deep-seated conviction that 'history' is essentially historiography. Whatever acts of collection and collocation might precede the composition, its expression is narrative. I am also inclined to believe that its perception too is narrative: that is to say, follows a 'story-line', has something like a 'plot', is linear (exhibits causal nexus) and cumulative (everything counts). It is according to these parameters that one can understand the seductive power of sentence structure. Attempts to escape this force are made from time to time, e.g. in 'structuralism'[23] by dismissing the concept of 'referent'; in 'deconstruction'[24] by deny-

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[20] H. White, *Metahistory—The Historical Imagination in Nineteenth-Century Europe*, Baltimore 1973, esp. pp. 1–42.

[21] F. Jameson, *Marxism and Form—Twentieth-Century Dialectical Theories of Literature*, Princeton 1971, esp. pp. 306–416.

[22] R. Palmer, *Hermeneutics*, Evanston 1969, esp. pp. 3–71; E. McKnight, *Meaning in Texts—The Historical Shaping of a Narrative Hermeneutics*, Philadelphia 1978, esp. pp. 91–204.

[23] See references above, in notes 8 and 22.

[24] M. Foucault, *The Order of Things—An Archaeology of the Human Sciences*, London

ing 'syntactic' continuity in experience. Neither has found, or is likely to find, universal assent. The reason for that lies probably in some vague but enduring conviction that the record has got to be readable. And this will be as much a matter of epistemology as of literature. There is, however, another factor in this process, a kind of safety-valve, as it were, that at the occasional expense of readability makes the record manageable: by reducing the cumulative burden and punctuating severely its linearity—

> there is no exercise of the intellect which is not, in the final analysis, useless. A philosophical doctrine begins as a plausible description of the universe; with the passage of the years it becomes a mere chapter—if not a paragraph or a name—in the history of philosophy. In literature, this eventual caducity is even more notorious.[25]

That statement, from one of the greatest contemporary observers of the human condition, can be differently expressed as 'textbook simplification', i.e. the summary of evidence in the form of detachable conclusions, or the relegation of earlier argument to condensed footnote references. These techniques, by which enormous effort and vast erudition are reduced to manageable proportion, might be described as perennial features, hence constants of the historical record.[26] They are particularly noticeable in the two works I mentioned a moment ago in the context of Ugarit. No one at all familiar with the sources (!) for Bronze Age history could suppress a gasp of astonishment at the occasional genius but persistent audacity of Polanyi and Silver in their recomposition of those laconic materials.

The 'detachable conclusion' is of course a recurrent feature in histories of science. There, apparently, the context of problem-solving matters less than the solution itself as component of an abstract process more or less independent of its historical circumstances. The average reader's knowledge of Einstein's contributions to a general theory of relativity, for example, are seldom conditioned by any acquaintance with his development as a musician, philosopher or Zionist. Despite some recent, and occasionally polemical, contributions

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1970; cf. H. White, 'Foucault Decoded—Notes from Underground', *History and Theory*, XII (1973), pp. 23–54.

[25] J.L. Borges, 'Pierre Menard, Author of the Quixote', *Labyrinths*, London 1970, pp. 69–70.

[26] Cf. Kuhn (above, n. 7), pp. 136–143; L. Mink, 'The Autonomy of Historical Understanding', *History and Theory*, V (1966), pp. 24–47.

the same may be said about historians of the Near and Middle East.[27] This would matter less for the ancient segment of that history, for which we have only archaeological evidence (and its modern exegetes are well known), than for the mediaeval period, for which we have only literary evidence.

But with that complaint we (or at least I) have now come full circle. My intention was to ask: 'what is obvious, or self-evident?' The answer, you must by now have guessed, is: 'nothing, nothing at all.' No record is unambiguous, and each demands an informed approach. In a recent and typical assault on this problem, Moses Finley declared a vested interest in the value of historical documentation over archaeological artifact.[28] With that assertion he must have wished to announce a preference for the authorial presence of the chronicler to the inarticulate existence of a chance discovery. To that I can only say that it may *seem* easier, but is in fact the more difficult alternative. Neither kind of witness can of course be properly interrogated. Nor can the circumstances of either be properly reconstructed. Each utterance requires a special sort of exegesis that ought to take the place of a candid but naive appeal to 'common sense'.[29]

In conclusion I should like to repeat a story that is in this company very familiar, but which nonetheless is so stunningly relevant to the caducity of literary transmission that I could not resist:

> When the Baal Shem had a difficult task before him, he would go to a certain place in the woods, light a fire and meditate in prayer—and what he had set out to perform was done. When a generation later the 'Maggid' of Meseritz was faced with the same task he would go to the same place in the woods and say: We can no longer light the fire, but we can still speak the prayers—and what he wanted done became reality. Again a generation later Rabbi Moshe Leib of Sassov had to perform this task. And he too went into the woods and said: We can no longer light a fire, nor do we know the secret meditations belonging to the prayer, but we do know the place in the woods to which it all belongs—and that must be sufficient; and sufficient it was. But when another generation had passed and Rabbi Israel of Rishin

[27] E.g. E.W. Said, *Orientalism*, London 1978; R.C. Martin (ed.), *Approaches to Islam in Religious Studies*, Tucson (Arizona) 1985.

[28] M. Finley, *The Use and Abuse of History*, London 1975, esp. pp. 87–101.

[29] Valuable correctives in *Biblical Archaeology Today—Proceedings of the International Congress on Biblical Archaeology*, Jerusalem, April 1984, Jerusalem 1985, esp. F.M. Cross (pp. 9–15), B. Mazar (pp. 16–20), Y. Yadin (pp. 21–27), H. Tadmor (pp. 260–268), and E.E. Urbach (pp. 502–509).

> was called upon to perform the task, he sat down on his golden chair in his castle and said: We cannot light the fire, we cannot speak the prayers, we do not know the place, but we can tell the story of how it was done. And the story which he told had the same effect as the actions of the other three.[30]

Now, could there be more eloquent testimony to the imaginative reconstruction of the past? Every author creates not merely his own precursors, but the very record of their activity, and I should not like to see historians exempted from this responsibility.

[30] S.J. Agnon, in G. Scholem, *Major Trends in Jewish Mysticism*, New York 1961, pp. 349–350.

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FOUNDATIONS FOR A NEW BIOGRAPHY OF MUḤAMMAD: THE PRODUCTION AND EVALUATION OF THE CORPUS OF TRADITIONS FROM ʿURWAH B. AL-ZUBAYR

Gregor Schoeler

I

Research on the life of Muḥammad is at present in a crisis. The sources, upon which the available biographies of the Prophet Muḥammad (approximately 55–54 B.H./570–11/632) and the accounts of the early Islamic period are based, are works about the history of their early period that later generations recorded on the basis of *transmissions*. The distance between the earliest sources available to us and the events amounts to 150 to 200 years or more. Therefore, it is not sufficient to weigh the sources critically against each other; rather, a fundamental criticism of the transmission itself is necessary first.[1]

The current research on the life of Muḥammad is characterized by the fact that two groups of researchers stand directly opposed to one another: The one group advocates, somewhat aggressively, the conviction that all transmitted traditions, in part because of great inner contradictions, legendary forms, and so forth, are to be rejected. The other group is opposed to that view. According to these researchers, the Islamic transmission, despite all these defects, has at least a genuine core, which can be recognized using the appropriate source-critical methods. The difficulty certainly consists of finding criteria by which the genuine is to be differentiated from spurious.

All in all it can be stated that today a "stalemate" exists regarding the answer to the question of the authenticity of Islamic transmission. This resulted in a colloquium on the life of the Prophet Muḥammad, which took place in 1997 in Nijmegen (in the Netherlands) under

[1] See, for example, P. Crone, *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge: Cambridge University Press, 1980), 11ff.; for a thorough description, see G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds* (Berlin: Walter de Gruyter, 1996), 8–24.

the direction of Professor Harald Motzki and which brought together prominent representatives of both groups.[2] In the spring 2002 the Swiss National Fund granted the author of this contribution a research project limited to three years, during which this unsatisfactory deadlock was to be terminated by a new approach to the problem.

The idea of the project was connected to the conviction that neither the extensive trust in the Muslim transmission, represented by scholars such as F. Sezgin and (not quite so extremely) M.W. Watt, nor the total rejection of the traditional material, as it is endorsed by J. Wansbrough, P. Crone, and M. Cook, is successful; rather a *middle way* must be found. The correctness of this *middle way* will arise, it is hoped, from the compilation and evaluation of a corpus of traditions that are attributed by Islamic transmission to the earliest historical researcher (collector of historical reports), ʿUrwah b. al-Zubayr (23/643–644–93–94/711–713).[3]

The traditions from ʿUrwah contain the entire basic framework of the life of Muḥammad. They are not preserved in the original form, but are—in further transmission—scattered in *ḥadīth*-collections as well as in historical, legal, exegetical etc. works that were compiled in the third/ninth century and later, such as Ibn Isḥāq-Ibn Hishām's *Sīrah*, ʿAbd al-Razzāq's and Ibn Abī Shaybah's *Muṣannaf* works, al-Bukhārī's and Muslim's *Ṣaḥīḥ*s; al-Ṭabari's historical work and commentary on the Qur'ān, Mālik b. Anas's *Muwaṭṭā'*, and so forth. It is obvious that not all the traditions attributed to ʿUrwah are genuine, that is, actually go back to his collection activities and were

[2] *The Biography of Muḥammad: The Issue of the Sources*. Edited by Harald Motzki. Islamic History and Civilization: Studies and Texts, Vol. 32. (Leiden: E.J. Brill, 2000).

[3] For him see G. Schoeler, "ʿUrwa ibn al-Zubayr," in *The Encyclopaedia of Islam* (Leiden: E.J. Brill, 1954–), 10:910–913. Earlier attempts to compile as completely as possible the corpus of traditions according to ʿUrwah are: J. von Stülpnagel, *ʿUrwa Ibn az-Zubair: Sein Leben und seine Bedeutung als Quelle frühislamischer Überlieferung* (Dissertation, Tübingen, 1956), 38ff.; Salwā Mursī al-Ṭāhir, *Bidāyat al-kitābah al-tārikhīyah ʿinda al-ʿarab* (Beirut: al-Mu'assasah al-ʿarabīyah li-al-dirāsāt wa-al-nashr, 1995). A compilation of the Abū al-Aswad transmission of ʿUrwah b. al-Zubayr is the book *Maghāzī rasūl Allāh bi-riwāyat Abī al-Aswad ʿan-hu*, edited by M.M. al-Aʿẓamī (Riyadh: al-Mamlakah al-ʿarabīyah al-saʿūdīyah; Maktab al-tarbiyah al-ʿarabī li-duwal al-khalīj, 1981). References to important traditions of ʿUrwah are also contained in A.A. Duri, *The Rise of Historical Writing Among the Arabs*, edited and translated by L.I. Conrad (Princeton: Princeton University Press, 1983), 79ff. The corpora and references compiled by these researchers are however incomplete in light of current knowledge. In addition, none of the aforementioned authors examined the authenticity of the ʿUrwah corpus critically according to the method that is presented below.

spread from him in the process of teaching. As with other old authorities (for example, Ibn ʿAbbās with Qurʾānic exegetical traditions), later traditions were attributed to ʿUrwah; *isnād*s to him were "built up." This applies, for example, very probably to the *ḥadīth* of Umm Zarʿ examined by F. Rosenthal[4] (see below). However, the "authenticity" of many transmissions, that is, the question whether they really come from ʿUrwah, can be examined and determined by a test procedure developed by the author of this contribution. The test is applicable if the tradition attributed to ʿUrwah was further transmitted not only by one, but by *two* or *more* of his students (tradents). This is fortunately the case with a large part of the rich corpus of traditions of ʿUrwah: his reports are very often available in two (sometimes even in three, but rarely in four)—often considerably different—transmissions (recensions). The ʿUrwah transmissions of his son Hishām (d. 146/762–763) and his master pupil al-Zuhrī (d. 125/742), who are his main tradents, are most important.

The comparison of two recensions[5] of a tradition from ʿUrwah—thus normally that attributed to Hishām and the recension of the same tradition attributed to al-Zuhrī—takes place thereby in a manner similar to the investigation of manuscripts whose relationship is to be determined. Here one can uncover from the structure (abridgements, additions) and the wording of the texts—in the best case with certainty—a common archetype. A comparison of any ʿUrwah tradition in the al-Zuhrī and the Hishām recensions leads—according to the previous experiences—more often than not to the result that:

1. the two texts were actually independently transmitted (this shows up in the differences, the "particular character," of each version); and
2. the two texts actually go back to a common archetype (despite all differences this shows up in terms of content and sometimes even also in the textual features shared by the two traditions).

In such a—positive—case the report originally promulgated by ʿUrwah can be reconstructed at least in a general sense.

It is pointed out here only in passing that many historical reports of ʿUrwah in their original form are by no means short, as P. Crone seems

[4] See F. Rosenthal, "Muslim Social Values and Literary Criticism: Reflections on the Ḥadīth of Umm Zarʿ," *Oriens* 34 (1994): 31–56.

[5] As a rule, the recensions are usually divided further into several often differing versions, which for their part are represented by numerous individual traditions.

to assume,[6] but quite the opposite; they are of considerable length.[7]

Now ʿUrwah—as the son of one of the first followers and close relatives of the Prophet and as the nephew and close trusted friend of the Prophet's widow ʿĀʾishah—was close to, even though only indirectly in contact with, the historical time of Muḥammad (there is a gap of about 35 to 70 years).[8] He could still receive his knowledge in large part from contemporaries of the events, sometimes even from eye-witnesses. For this reason, the reports collected by him will thus depict correctly, *in its main features* at least the events of the last ten years of Muḥammad's life, that is, those of the *Medinan* period (1/622–11/632), which are crucial in terms of "world politics." And since the ʿUrwah traditions form the basic structure of the entire transmission about the life of the Prophet, this transmission cannot be unauthentic to the great extent that the (hyper-)critical school assumes.

II

The procedure described above has thus far been tested by the author in three case studies. In a monograph[9] as well as in a contribution to the aforementioned Nijmegen colloquium,[10] it could be shown that *two* reports, which are attributed to ʿUrwah b. al-Zubayr in the compilations from the third/ninth century, with certainty go back to ʿUrwah, and *one* report with great probability goes back to him.[11] For example, the attributed report of the slandering of ʿĀʾishah (the *ḥadīth al-ifk*) certainly goes back to ʿUrwah.

The recension of "al-Zuhrī *ʿan* ʿUrwah" of this *ifk*-tradition differs—with a common core—in characteristic features from the recension "Hishām *ʿan* ʿUrwah." All versions of the Hishām recension do not

[6] Crone, *Slaves on Horses*, 4.

[7] See, for example, the long historical traditions from ʿUrwah in ʿAbd al-Razzāq, *al-Muṣannaf*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: al-Maktab al-islāmī, 1983), 5:321ff. and 5:330ff. Compare Schoeler, *Charakter und Authentie*, 80 n. 329.

[8] Compare R. Paret, "Die Lücke in der Überlieferung über den Urislam," in *Westöstliche Abhandlungen: Rudolf Tschudi zum siebzigsten Geburtstag überreicht von Freunden und Schülern*, edited by F. Meier (Wiesbaden: O. Harrassowitz, 1954), 151.

[9] Schoeler, *Charakter und Authentie*. See also my detailed "Review of *The Eye of the Beholder. The Life of Muḥammad as Viewed by the Early Muslims: A Textual Analysis* by Uri Rubin," *Wiener Zeitschrift für die Kunde des Morgenlandes* 88 (1998): 213–227, especially 219ff.

[10] Schoeler, "Mūsā b. ʿUqba's *Maghāzī*," in *The Biography of Muḥammad*, 67–97.

[11] Compare also Schoeler, "ʿUrwa b. al-Zubayr," 10:910–913.

have the whole prehistory of the al-Zuhrī recension, in which it is reported that ʿĀʾishah lost her necklace during the return from a raid on which she had been allowed to accompany Muḥammad. Besides this absence, the Hishām recension contains an addition when compared to the al-Zuhrī recension: a statement by ʿĀʾishah's companion, the other victim of slandering (who is identified in the al-Zuhrī recension as Ṣafwān b. al-Muʿaṭṭal[12]) about the accusations and ʿĀʾishah's information about his later fate. A characteristic of the Hishām recension is that in it a series of persons, who are specifically named in the al-Zuhrī recension, remain anonymous (as also with the Ṣafwān b. al-Muʿaṭṭal mentioned above).[13]

Despite all these differences the common features of the two recensions are not to be overlooked: above all the fundamentals of the story are the same in both. Thus at least the general sense of ʿUrwah's original report can be reconstructed according to the common features of both recensions; rarely and only for short passages, particularly in direct speeches, sometimes even the wording of ʿUrwah's tradition is identical in both recensions and must therefore go back to ʿUrwah in this form.[14]

In the meantime, the work of other authors has appeared, in which they use the described procedure with success. Thus, Andreas Görke[15] examined in this manner the report attributed to ʿUrwah about the contract of al-Ḥudaybiyah.[16] This ʿUrwah tradition is also available in *multiple lines* of transmission, that is, in the transmission of al-Zuhrī, Hishām b. ʿUrwah as well as of a third student of ʿUrwah, Abū al-Aswad Yatīm ʿUrwah (d. 131/748, or later). Here, too, the Hishām recension exhibits a set of characteristic differences when compared to that of al-Zuhrī. When the *isnād*s are compared, it is clear that the transmission chain is attributed *only by al-Zuhrī* to two authorities

[12] For him, compare G.H.A. Juynboll, "Ṣafwān b. al-Muʿaṭṭal," in *The Encyclopaedia of Islam*, 8:819–820.

[13] For this and additional differences between both recensions, see Schoeler, *Charakter and Authentie*, 147f.

[14] Schoeler, *Charakter and Authentie*, 152f.

[15] A. Görke, "The Historical Tradition about al-Ḥudaybiya: A Study of ʿUrwa b. al-Zubayr's Account," in *The Biography of Muḥammad*, 240–275.

[16] In principle, the same methods have been used independently of my work by H. Motzki, "The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of Some *maghāzī*-Reports," in *The Biography of Muḥammad*, 170–239; and U. Mitter, *Das frühislamische Patronat. Eine Untersuchung zur Rolle von fremden Elementen bei der Entwicklung des islamischen Rechts* (Ph.D. dissertation, Nijmegen, 1999).

beyond ʿUrwah (al-Miswar b. Makhramah and Marwān b. al-Ḥakam), while *Hishām's recension* stops at his father, ʿUrwah.[17] (Incidentally, this is the case more frequently in the Hishām recensions of ʿUrwah traditions, in particular also with those that are attributed in the al-Zuhrī recension beyond ʿUrwah to ʿĀʾishah!)[18] As for the contents, there is here a whole set of remarkable differences between the two recensions. Thus Hishām indicates, as opposed to al-Zuhrī, a *date* for the events; he does not state the number of people who participated in the expedition, and so forth.[19] On the other hand, the different recensions contain so many and substantial common features (nine themes occur in all recensions), that Görke could reconstruct quite well the contents of the tradition as originally spread by ʿUrwah.[20]

In the cases discussed so far, the relationship of dependence claimed by the *isnād*s were confirmed by the investigation of the texts. This, however, is not always the case by any means. In Görke's investigation it turns out that the third version, which is attributed to ʿUrwah and comes through Abu al-Aswad (Yatīm ʿUrwah), either does not go back to ʿUrwah at all or at least adopts motifs from other transmissions.[21] The most important reason for this is that the *additional* elements appearing with Abū al-Aswad are not attributed to ʿUrwah in any other transmissions.[22] Thus, this recension is useless for a reconstruction of the contents of the original ʿUrwah tradition; and the reconstruction has to be limited to the recensions of al-Zuhrī and Hishām.

As for the *ḥadīth* of Umm Zarʿ mentioned above, there is *no* recension of "al-Zuhrī *ʿan* ʿUrwah" for it, but only the recension of "Hishām *ʿan* ʿUrwah" (as well as some suspicious versions, which according to Rosenthal probably derive from the Hishām recension, one of which is attributed to Abū al-Aswad!). Rosenthal concluded that it was probably Hishām who spread the story Umm Zarʿ.[23]

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[17] Görke, "The Historical Tradition about al-Ḥudaybiya," 267.

[18] Since not only al-Zuhrī, but exceptionally also Hishām, attributes the *isnād* beyond ʿUrwah to ʿĀʾishah in the scandal story, I had described it as probable that ʿUrwah got the report from ʿĀʾishah. Schoeler, *Charakter und Authentie*, 254f. In any case, from the two *isnād*s it is *very probable* that ʿUrwah already in his transmission of his teaching indicated his aunt as the original reporter of the event.

[19] Görke, "The Historical Tradition about al-Ḥudaybiya," 254f.

[20] Görke, "The Historical Tradition about al-Ḥudaybiya," 258ff.

[21] The Abū al-Aswad version of Urwah's tradition about the first revelation experience turns out to be similarly problematic. See Schoeler, *Charakter und Authentie*, 81ff.

[22] Görke, "The Historical Tradition about al-Ḥudaybiya," 258.

[23] "It is clear, and quite possibly also historical, that Hishām b. ʿUrwah plays a central, if not exclusive, role in the history of *UZ*." Rosenthal, "Muslim Social Values and Literary Criticism," 37 (see also 37ff.).

However, in the case where another version that is with certainty independent of Hishām's report (for instance, one from al-Zuhrī) is missing, nothing certain can be said about the authenticity of the chain *from Hishām back to ʿĀʾishah.*[24] Thus, the Umm Zarʿ tradition does *not* figure in the corpus of the "genuine," that is, among the traditions that reliably go back to ʿUrwah.

III

The work on the project will be accomplished in four steps:

1. The ʿUrwah traditions about the life of the Prophet, scattered everywhere in the sources, will be collected in their entirety.
2. The thematically related traditions (i.e., partly, those of an identical origin) will be systematically compiled and organized. This step will demonstrate how many and which ʿUrwah traditions have double lines or multiple lines of transmission. That is to say, which are present in both the recension of ʿUrwah's student al-Zuhrī and that of ʿUrwah's son Hishām and/or in other recensions. According to that which was said above, special significance is attached to those traditions transmitted in more than one recension.
3. From the different further transmissions (recensions) of the ʿUrwah traditions the original versions spread by ʿUrwah will be reconstructed using the procedure described above. Usually this will be possible only in a *general sense*, but also *literally* in rarer cases, and only for small parts of the traditions. The "cleaned up" ʿUrwah traditions, whenever possible, will be arranged chronologically according to the events.
4. The contents of these traditions will be rendered in translation in a condensed and coherent paraphrase.

This is how the goal of the project is achieved: it would be—in reconstructed form—the oldest available biography of Muḥammad that exists and ever existed. We will then be in the position to say what knowledge was collected about the life of the Prophet by the first historical researcher of Islam, who lived one generation (or one and a half generations) after Muḥammad and could address questions to contemporaries of the Prophet and eye-witnesses of the events

[24] Rosenthal, "Muslim Social Values and Literary Criticism," 38.

35 to 70 years after his death. Through the reconstructions we receive transmissions, which are removed from the events by only one or two generations—and not 150 to 200 years! A substantial gain is contained in this reduction of the distance between report and event, which this new method brings.

The "Vita of Muḥammad according to ʿUrwah b. al-Zubayr " reconstructed in the manner described will be published with an introduction and annotation.

IV

This vita will serve as the most important, though not the only, basis for a new critical biography of the Prophet Muḥammad.

Even though ʿUrwah's reports accurately reflect what was circulating about the biography of Muḥammad in the second half of the first century after the *hijrah*, we still have no *contemporary reports*, but "only" *transmissions*. In the process of transmission, during which the reports passed from the contemporary observers to ʿUrwah (thus, one to two generations), changes very probably could have occurred. It is, for example, obvious that already in ʿUrwah's reports glorifications and elevations of the Prophet's image occasionally occurred;[25] these elevations, however, are in no way comparable to what later generations of Muslims reported about their Prophet regarding miracles.

Of course, in order to become closer to the historical truth, the "genuine" ʿUrwah traditions must be submitted to yet another critique. The further critique would have to confront the ʿUrwah materials with the statements of the Qurʾān as well as the different old traditions about the life of Muḥammad that do *not* go back to ʿUrwah. However, these tasks, which would have to be carried out for the new (yet to be written) critical biography of the Prophet Muḥammad, cannot be accomplished in the context of the proposed project.

[25] Görke, "The Historical Tradition about al-Ḥudaybiya," 260.

KING IBN UBAYY AND THE *QUṢṢĀṢ*[1]

Michael Lecker

The following study belongs to the preparatory work that must precede the writing of a critical biography of the Prophet Muḥammad. It focuses on ʿAbd Allāh b. Ubayy (henceforward: Ibn Ubayy), one of Muḥammad's main adversaries. It will be argued that following the Battle of Buʿāth which took place several years before the *hijrah*, Ibn Ubayy managed to gain control of his tribe, the Khazraj, thus becoming the strongest Arab leader in Medina (Yathrib). This was due to the fact that the Khazraj were superior to the other major Arab tribe, the Aws, even after the former's defeat in the said battle by an alliance of the Aws and the Jewish tribes Naḍīr and Qurayẓah. However, some of the Khazraj—including members of Ibn Ubayy's own subdivision, the ʿAwf b. al-Khazraj—probably opposed his leadership and at the ʿAqabah meeting concluded an alliance with Muḥammad behind his back.[2]

Towards the end of her book on Meccan trade P. Crone argues that the storytellers played a negative role in the historical tradition of Islam by providing "utterly contradictory information." She continues:

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[1] A draft of this study was presented at the colloquium "From Jāhiliyya to Islam" in the summer of 2000. I wish to thank my discussant, W. Madelung, for his comments and H. Motzki for his thorough and detailed criticism.

[2] The Khazraj demonstrated similar disunity at the event of Saqīfat Banī Sāʿidah. One of their leaders, Saʿd b. ʿUbādah of the Sāʿidah (Khazraj), vied for the leadership of the Islamic community. But he did not enjoy unanimous support among the Khazraj and was flatly rejected by the Aws. In Abū Mikhnaf's analysis, the Awsī position delivered the final blow to the Khazrajī aspirations (*fa-inkasara ʿalā Saʿd b. ʿUbādah wa-ʿalā al-Khazraj mā kānū ajmaʿū la-hu min amri-him*); Abū Jaʿfar b. Jarīr al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, edited by M.J. de Goeje *et al.* (Leiden: E.J. Brill, 1879–1901), 1:1842–43; al-Ṭabarī, *The History of al-Ṭabarī: An Annotated Translation, Volume X: The Conquest of Arabia*, translated by Fred M. Donner (New York: State University of New York Press, 1993), 8. See also I. Hasson, "Contributions à l'étude des Aws et des Ḫazraǧ," *Arabica* 36 (1989): 29. Compare on the Saqīfah, G. Lecomte, "Sur une relation de la *Saqīfa* attribuée a Ibn Qutayba," *Studia Islamica* 31 (1970): 171–83; M. Bergé, "Une profession de foi politico-religieuse sous les apparences d'une pièce d'archive: le Riwāyat al-Saqīfa d'Abū Ḥayyān al-Tawḥīdī (m. 414/1023)," *Annales Islamologiques* 9 (1970): 87–95.

It is well known that Medina on the eve of Islam (= Yathrib) was torn by feuds. Ibn Isḥāq does not tell the full story of these feuds, but he refers to them on several occasions, and they play a crucial role in his account of how Muḥammad came to be accepted there: the Yathribīs who decide to throw in their lot with him explain that their people is divided by hatred and rancour to an unusual degree, and they express the hope that "perhaps God will unite them through you." Yet Ibn Isḥāq also informs us that when Muḥammad came to Yathrib, he found that the Yathribīs had a leader called Ibn Ubayy whom they were just about to crown their king. "None of his people contested his authority, and the Aws and Khazraj never rallied to one man before or after him, until the coming of Islam, as they did to him." This exceptional state of unison was possible because Ibn Ubayy, though a Khazrajī, collaborated closely with a man of Aws.[3] The diadem for his coronation had already been made, but on the arrival of the Prophet his followers abandoned him,[4] and this is why be became a *munāfiq*. Ibn Isḥāq, in other words, first tells us that Muḥammad stepped into a political vacuum in Yathrib and next that he snatched away authority from a well-established ruler in Yathrib.[5] Never had Yathrib been so disunited, or else it had never been so united. The contradiction is beyond harmonization.[6]

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[3] The source quoted has: *wa-maʿa-hu* [i.e., with Ibn Ubayy] *fī l-Aws rajul huwa fī qawmi-hi min al-Aws sharīf muṭāʿ, Abū ʿĀmir ʿAbd ʿAmr b. Ṣayfī*. . . . The latter is usually referred to as Abū ʿĀmir al-Rāhib or the ascetic; M. Lecker, *Muslims, Jews and Pagans: Studies on Early Islamic Medina* (Leiden: E.J. Brill, 1995), Index. Crone's interpretation of *wa-maʿa-hu* could be corroborated by the existence of a marriage link between the two leaders; below, pages 55–56. But F. Wüstenfeld, *Geschichte der Stadt Medina. Im Auszuge aus dem Arabischen des Samhûdi* (Göttingen: Dieterichschen Buchhandlung, 1860), 53, translates this passage differently: "Ihm zur Seite betrachtete sich Abu ʿĀmir ben Çeifī ben el-Nuʿmân aus der Familie Dhubeiʿa ben Zeid als das Oberhaupt der Aus. . . ." Wüstenfeld's translation seems preferable since the source does not imply that the two leaders actually cooperated.

[4] In fact their abandonment is supposed to have taken place before his arrival. One of the reports on the second or Great ʿAqabah meeting specifically refers to Ibn Ubayy: he was in Mecca at that time but knew nothing of the agreement between the Anṣār and the Prophet; he did not expect his people to be involved in such a serious matter behind his back; ʿAbd al-Malik b. Hishām, *al-Sīrah al-nabawīyah*, edited by Muṣṭafā al-Saqqā, Ibrāhīm al-Ibyārī and ʿAbd al-Ḥafīẓ Shalabī. (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1355/1936; reprint Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, 1391/1971), 2:89 and 91 (Ibn Hishām, *al-Sīrah al-nabawīyah*, edited by F. Wüstenfeld (Göttingen: Dieterichsche Universitäts-Buchhandlung, 1858–60), 1:299–300 and 301). At the same meeting another leader of the ʿAwf b. al-Khazraj, ʿUbādah b. al-Ṣāmit, was made the *naqīb* of the ʿAwf b. al-Khazraj; Sulaymān b. Aḥmad al-Ṭabarānī, *al-Muʿjam al-kabīr*, edited by Ḥamdī ʿAbd al-Majīd al-Salafī (Cairo, 1400/1980–1405/1985), 19:90. See also below, page 48.

[5] It will be argued that Ibn Ubayy was only the tribal king of the Khazraj. In the Medinan context it probably meant that he was an arbiter and a representative of his tribe. As an arbiter he would decide in matters of blood money and perhaps irrigation rights. As a representative of his tribe he would sign treaties and receive tribal delegations. Perhaps he was also supposed to lead them in war.

[6] P. Crone, *Meccan Trade and the Rise of Islam* (Princeton: Princeton University

In order to substantiate her claim that the storytellers are to blame for the presumed contradictions found in the reports on pre-Islamic Medina, Crone refers to a report by ʿĀṣim b. ʿUmar b. Qatādah[7] who is said to be the source of two contradictory reports on the situation in Medina before the *hijrah* and on the position of Ibn Ubayy:

> Now Ibn Isḥāq cites both stories on the authority of ʿĀṣim b. ʿUmar b. Qatāda, an Anṣārī who, according to Ibn Ḥajar, "had knowledge of the *maghāzī*, and *siyar*, and who was invited[8] to sit in the mosque of Damascus and tell about the *maghāzī* and the virtues of the Companions, which he did." ʿĀṣim, in other words, was a storyteller, and what Ibn Isḥāq reproduces here is some of the stories with which he entertained the Damascenes. Evidently, his assignment was not to give boring lectures on history, but rather to evoke an emotional response to the great deeds of the Prophet and his Companions so as to commit people to Islam. And this he did, in the first story by stressing the pitiful state of the Medinese before God in His mercy sent them a prophet, and in the second story, by building up the immense opposition that Muḥammad had to overcome in Medina, using the opportunity to flesh out Qurʾānic references to *munāfiqūn*. The fact that the two stories are utterly contradictory no doubt went unnoticed both by himself and his audience, just as it has gone unnoticed by later historians, because they are told for different purposes in different context, each one of them making emotional sense on its own.[9]

According to Crone, the storytellers distorted the historical facts:

> In historical fact it is more likely that there were feuds than kings in Medina: on this question we have a tradition used by the storytellers but not invented by them. But if there were feuds in Medina, the storytellers must have invented the power of Ibn Ubayy. They must also have invented something, possibly everything, about the position of the Jews.[10]

Press, 1987), 217. Compare G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Muhammeds* (Berlin: Walter de Gruyter, 1996), 23–24.

[7] On whom see F. Sezgin, *Geschichte des arabischen Schrifttums, Band I: Qurʾānwissenschaften, Hadith, Geschichte, Fiqh, Dogmatik, Mystik bis ca. 430 H* (Leiden: E.J. Brill, 1967), 1:279–80; Kh. al-ʿAsalī, "ʿĀṣim b. ʿUmar b. Qatādah", *Majallat Kullīyat al-Ādāb* (Baghdad) 8 (1965): 226–42.

[8] For the identity of the person who invited him see below, page 66.

[9] Crone, *Meccan Trade*, 217–18.

[10] Crone, *Meccan Trade*, 218–19. Compare Juynboll, who contrasts "the storyteller's approach to history" with "the *mawālī*'s approach to history;" the latter approach was "more scholarly," the *mawālī*, "who must have lacked this predilection for typically Arab storytelling, preferred to take a less romantic view of the past." G.H.A. Juynboll, "On the Origins of Arabic Prose: Reflections on Authenticity," in *Studies on the First Century of Islamic Society*, edited by G.H.A. Juynboll (Carbondale and Edwardsville: Southern Illinois University Press, 1982), 168, 167, and 165, respectively. The report on ʿĀṣim, which is quoted by Crone, is also quoted in Juynboll, "On the Origins of Arabic Prose," 257, n. 37.

In a review article on Crone's book Serjeant rejects Crone's statement that the evidence on the situation in Medina before the *hijrah* is contradictory: "How can a historian make such nonsense out of a straightforward situation?" he wonders. "The situation is quite clear," he continues, "though Ibn Isḥāq marshals his information in a manner a little disjointed." This is Serjeant's own analysis of the situation:

> Following the contest at Buʿāth, the Aws and Khazraj tribes wished to compose their differences and arrive at a peaceful settlement. Ibn Ubayy of Khazraj, about whose honour (*sharaf*) . . ., and therefore his eligibility, there was no question, was rallied around by Aws and Khazraj. With Ibn Ubayy was a *sharīf* man of Aws.[11] Ibn Ubayy's tribe had strung some beads on a fillet[12] to wind round his head as a form of investiture, intending then to make him king, when the Prophet arrived, and his tribe abandoned him for Islam. Ibn Ubayy is called the *sayyid* of the people of Yathrib, i.e., their chief; there must be reservations about the term "king," which may possibly have meant something in the nature of a paramount chief. Ibn Ubayy was evidently not a "well-established ruler" as Dr. Crone avers, but since he had held aloof from participating in the Buʿāth fighting, he may have been regarded as the most suitable chief available to try and establish peace, and he certainly was a man of standing.
>
> In the meantime, the *naqīb*s, of lesser rank than a *sayyid*, had been secretly negotiating with Muḥammad in what was patently a conspiracy against Ibn Ubayy, whom they took care not to inform of what they were doing. Nine of the *naqīb*s were of Khazraj and three of Aws. Whether they were motivated by jealousies or rivalry or not, they had a superior candidate for office, not likely to be party to either tribe in their quarrels, and, as well, having the over-riding prestige of being a member of a holy house; so Ibn Ubayy had to acquiesce. The only contradiction is that manufactured by Dr. Crone herself![13]

In her reply to his review Crone says:

> All Arabian kings were petty rulers. The question is not whether Arabian kingship merits the name or not, but rather how Yathrib came to have a leader so powerful by Arabian standards that he was about to become what the Arabs called a king, though we might prefer to call him a paramount chief. Nor is the problem whether or why Ibn Ubayy was the most suitable chief for the establishment of peace (he

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[11] Serjeant implies that he supported Ibn Ubayy; compare above.

[12] Serjeant remarks that "[t]his form of investiture was customary in Arabia by the time of the Namārah inscription of the 4th century A.D., . . . and as recent at least as the investiture of the ʿAwdhalī sultan . . . with the *fatīlah* of the Arab match-lock gun."

[13] R.B. Serjeant, "Meccan Trade and the Rise of Islam: Misconceptions and Flawed Polemics," *Journal of the American Oriental Society* 110 (1990): 485.

> had not fought at Buʿāth, etc.), but whether or how there came to be a chief maintaining peace at all: Ibn Isḥāq's first statement is to the effect that there was none, and modern Islamicists generally say that Muḥammad was accepted in Yathrib because the oasis was in need of a peacemaker.[14]

She suggests another approach, which could have been adopted by her reviewer:

> Had Serjeant wished to engage in scholarly debate, he could have argued that the problem should be solved historically rather than historiographically, for whereas I take it to illustrate the ahistorical methods of storytellers, others might argue that conditions had drastically changed in Yathrib in the period between Muḥammad's first encounter with Yathribīs and his emigration: the very fact that an outsider had been approached, for example, could have caused the majority of Yathribīs to unite around Ibn Ubayy, only a small number continuing to lobby for Muḥammad, who thus arrived to a very insecure position.

I. *The Kings of Medina (Yathrib)*

Before dealing with Ibn Ubayy himself, a study of kingship in Medina before his time will be appropriate. Several generations before Islam there was in Medina a king called Amah b. Ḥarām. He belonged to the Banū Salimah, a subdivision of the Khazraj further divided into three clans: Sawād, ʿUbayd and Ḥarām. The evidence about Amah appears in Samhūdī's description of the tribal territories, most of which is taken from Ibn Zabālah's book on the history of Medina, which was compiled some seven centuries before Samhūdī's time. Sometimes Samhūdī interprets Ibn Zabālah's words or adduces complementary materials from other sources. Having surveyed the fortresses built by the subdivisions of the Salimah, Samhūdī quotes from Ibn Zabālah and others several reports on the history of the Salimah before Islam and at the time of Muḥammad. The first report deals with king Amah:

> All of these are Banū Salimah. They were in these courts, unified, and made Amah b. Ḥarām their king. He had reigned for a while until a man of the ʿUbayd who had many orchards died. He had one son called Ṣakhr. Ama wanted to take part of his orchards and divide it among the Salima, but this was grievous for Ṣakhr and he complained

[14] Crone, "Serjeant and Meccan Trade," *Arabica* 39 (1992): 234–35.

about it to the ʿUbayd and Sawād, saying: "If Amah does it, I shall hit him with a sword"; and he asked them to give him shelter if he carried this out. They consented and when Amah did it [i.e., took some of Ṣakhr's property], Ṣakhr hit him, cutting the muscle between his neck and the head of his shoulderblade. The ʿUbayd and Sawād protected him [that is, Ṣakhr] and Amah vowed that for the rest of his life he would not be sheltered by a house unless the Salimah kill Amah or bring him to him so that he would decide what to do with him. Amah sat in the sun near the projecting stone that is above Masjid al-Fatḥ near al-Jurf. A small girl collecting firewood passed by him and asked: "Sir, what are you doing here in the sun?" He answered [verse]:

My people put me in charge of their affairs, then they summoned to me Ṣakhr and he hit [me]

Verily I vowed that the roof of a house would not shelter me from the heat of the sun and the blaze

As long as Ṣakhr is safe among them, walking free of the fear of death.

The girl went and informed them [of what Amah had said], and they bound Ṣakhr and brought him to him. He forgave them and took what he wanted from his orchards.[15]

This legend and the bad poetry attached to it indicate that the memory of king Amah b. Ḥarām was still alive among the Salimah in the early days of Islam. The fact that the ʿUbayd and Sawād subdivisions of the Salimah acted against him shows that he belonged to the third subdivision of the Salimah, namely the Ḥarām; Ḥarām, the eponym of this subdivision, was probably Amah's father. Ṣakhr

[15] ʿAlī b. Aḥmad al-Samhūdī, *Wafāʾ al-wafā bi-akhbār dār al-muṣṭafā*, edited by Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd (Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, 1401/1981 [Cairo, 1374/1955]), 202–203: *wa-kull hāʾulāʾi banū Salimah, wa-kānū bi-hādhihi al-dūr wa-kalimatu-hum wāḥidah wa-mallakū ʿalay-him Amah b. Ḥarām fa-labitha fī-him zamānan ḥattā halaka rajul min banī ʿUbayd dhū amwāl kathīrah la-hu walad wāḥid ismu-hu Ṣakhr fa-arāda Amah an yanziʿa ṭāʾifah min amwāli-hi fa-yaqsima-hā fī banī Salimah, fa-ʿaẓuma dhālika ʿalā Ṣakhr wa-shakā dhālika ʿalā* [*sic*] *banī ʿUbayd wa-banī Sawād, wa-qāla: in faʿala Amah dhālika la-aḍribanna-hu bi-al-sayf wa-saʾala-hum an yamnaʿū-hu in huwa faʿala, fa-aṭāʿu la-hu* [*sic*], *fa-lammā faʿala Amah dhālika ḍaraba-hu Ṣakhr fa-qaṭaʿa ḥabl ʿātiqi-hi, wa-qāmat dūna-hu banū ʿUbayd wa-banū Sawād, fa-nadhara Amah an lā yuʾwiya-hu ẓill bayt mā ʿāsha ḥattā yaqtula banū Salimah Ṣakhran aw yaʾtū-hu bi-hi fa-yarā fī-hi raʾya-hu, wa-jalasa Amah ʿinda al-ḍaribi* [read: *al-ẓaribi*, as in al-Samhūdī, *Khulāṣat al-wafā bi-akhbār dār al-muṣṭafā* (Medina: al-Maktabah al-ʿilmīyah, 1392/1972), 173] *alladhī fawqa masjid al-fatḥ mimmā yalī al-Jurf fī al-shams, fa-marrat bi-hi walīdah ḥaṭṭābah fa-qālat: mā la-ka yā sayyidī hunā fi al-shams? fa-qāla:*

inna qawmī ajmaʿū lī amra-hum / thumma nādaw lī Ṣakhran fa-ḍarab
inna-nī ālaytu lā yasturunī / saqfu baytin min ḥarūrin wa-lahab
abadan mā dāma Ṣakhrun āminan / bayna-hum yamshī wa-lā yakhshā al-ʿaṭab.

must have been from either the ʿUbayd or the Sawād. The mother of the Companion al-Ḥubāb b. al-Mundhir b. al-Jamūḥ b. Zayd b. Ḥarām who belonged to the Ḥarām[16] was al-Shamūs bint Ḥaqq b. Amah b. Ḥarām.[17] Her pedigree shows that Amah lived three generations before the *hijrah*.[18]

In sum, several generations before the *hijrah* the Salimah had a tribal king of their own whose powers included the confiscation and redistribution of agricultural land. Beyond his involvement in the bequest of land Amah's kingship did not have a territorial aspect to it, i.e., he did not control a certain area.

Regarding the Jewish king al-Fiṭyawn there are many contradictory reports. The contradictions are further complicated by Anṣārī apologetics concerning his real or alleged *ius prima noctis*. Yet for the purpose of our discussion suffice it to mention that king al-Fiṭyawn was *ṣāḥib Zuhrah*,[19] Zuhrah being a town or village in pre-Islamic Medina which was his residence.[20]

Al-Fiṭyawn is once referred to as the king of Tihāmah and the Ḥijāz,[21] but to substantiate this statement more evidence is needed. There was a territorial aspect to al-Fiṭyawn's kingship, although it is not clear whether it related to Zuhrah, to Medina as a whole, or to Tihāmah and the Ḥijāz. The Amalekite king al-Arqam is said to have controlled the Ḥijāz from Taymāʾ,[22] but there are several references

[16] Muwaffaq al-Dīn ʿAbd Allāh b. Qudāmah al-Maqdisī, *al-Istibṣār fī nasab al-ṣaḥābah min al-anṣār*, edited by ʿAlī Nuwayhiḍ (Beirut: Dār al-fikr, 1392/1972), 157.

[17] Muḥammad b. Saʿd, *al-Ṭabaqāt al-kubrā* (Beirut: Dār ṣādir—Dār Bayrūt, 1380/1960–1388/1968), 3:567.

[18] Assuming that Ḥarām in the pedigree of al-Ḥubāb's father is identical to Ḥarām in the pedigree of his mother we can conclude that his parents were second cousins.

[19] Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī* (Būlāq, 1285/1868), 2:176 (Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī* [Cairo: Dār al-kutub, 1345/1927–1394/1974], 3:40).

[20] Indeed the Jewish Thaʿlabah b. al-Fiṭyawn lived in Zuhrah together with other tribal groups; Lecker, "Muḥammad at Medina: A Geographical Approach," *Jerusalem Studies in Arabic and Islam* 6 (1985): 32–33.

[21] See ps. ʿAmr b. Baḥr al-Jāḥiẓ, *al-Maḥāsin wa-al-aḍdād*, edited by G. van Vloten (Leiden: E.J. Brill, 1898), 282. According to this source, he exercised the *ius prima noctis* on the Jews: *fa-amara an lā tuzaffa min al-yahūd fī mamlakati-hi imraʾah illā badaʾū-hu bi-hā*. The Jewish woman who brought about his demise was reportedly the foster-sister of Mālik b. al-ʿAjlān. But this version of the report is presumably an apologetic Anṣārī invention since the Anṣār were mocked for their submission to this king; see e.g. al-Jāḥiẓ, *Kitāb al-bighāl*, in *Rasāʾil al-Jāḥiẓ*, edited by ʿAbd al-Salām Hārūn (Cairo: al-Khānjī, 1384/1964), 2:359; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 8:139 (9:230–31).

[22] al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, 1:213; al-Ṭabari, *The History of al-Ṭabarī: An Annotated Translation, Volume II: Prophets and Patriarchs*, translated by William M. Brinner (New York: State University of New York Press, 1987), 13.

to the control of the Ḥijāz from Medina both in pre-Islamic and Islamic times. Before she was taken captive by the Muslims, the Prophet's future Jewish wife Ṣafīyah had had a dream which according to her Jewish husband reflected her desire for *malik al-Ḥijāz*, i.e., Muḥammad.[23]

Other kings in pre-Islamic Medina represented a foreign power, namely the Sasanian empire or its vassal Arab kingdom, al-Ḥīrah.[24] The Jewish Naḍīr and Qurayẓah were "kings" and collected taxes on behalf of the Sasanians roughly to the middle of the first B.H. century/sixth century C.E.; unfortunately no specific names of kings are provided. In the last quarter of the sixth century ʿAmr b. al-Iṭnābah of the Khazraj, more precisely of the Ḥārith b. al-Khazraj, was made king of Medina by the last king of al-Ḥīrah, al-Nuʿmān b. al-Mundhir and may have levied taxes on the latter's behalf. He was the king of Medina or of the Ḥijāz.[25] ʿAmr controlled a territory, just like al-Fiṭyawn, but the latter is not known to have been a representative of a foreign power. ʿAmr's appointment confirms that Sasanian control in western Arabia continued in the latter half of the first century B.H./sixth century. His *tāj*[26] was probably a Sasanian style emblem of kingship.

II. *Medina on the Eve of Islam*

New evidence can also be brought into the scholarly debate concerning the situation in Medina on the eve of the *hijrah*. It points to a process of reconciliation which preceded the negotiations between the Medinans and the Prophet, although considering the nature of Islamic literature it is not surprising that credit is often given to the Anṣār's conversion to Islam.

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[23] Ibn Hishām, *al-Sīrah al-nabawīyah*, 3:351 (2:763) (*tamannayna malik al-Ḥijāz Muḥammadan*).

[24] Compare ʿUthmān b. al-Ḥuwayrith's attempt to gain control of Mecca on behalf of the Byzantines; M.J. Kister, "al-Ḥīra: Some Notes on its Relations with Arabia," *Arabica* 15 (1968): 154; Crone, *Meccan Trade*, Index.

[25] Ibn Saʿīd al-Andalusī, *Nashwat al-ṭarab bi-taʾrīkh jāhilīyat al-ʿarab*, edited by Naṣrat ʿAbd al-Raḥmān (Amman: Maktabat al-aqṣā, 1982), 1:189; 2:558; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 10:30 (11:121); Lecker, "The Levying of Taxes for the Sassanians in Pre-Islamic Medina (Yathrib)," *Jerusalem Studies in Arabic and Islam* 27 (2002): 109–126.

[26] Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 10:30 (11:121): *wa-waḍaʿa al-tāj ʿalā raʾsi-hi*.

The following passage from Ibn Hishām (< Ibn Isḥāq) describes, according to Crone, a political vacuum into which Muḥammad is supposed to have stepped:

> We have left our people [that is, the Aws and Khazraj] in such a state of enmity and war as exists in no other people. It might be that God will unite them through you. We shall come to them and invite them to join your affair and propose to them that to which we consented, namely this religion. If God unites them around it [that is, the religion], nobody will be stronger than you.[27]

This is in fact a plan for a political rapprochement between the Aws and Khazraj inspired by Islam. At this preliminary stage in the negotiations with Muḥammad only members of the Khazraj were involved. The Aws joined in a year later when ten Khazrajīs and two Awsīs returned to Mecca to meet Muḥammad. Being clients, the two members of the Aws were admittedly marginal figures in Medinan society. Another year passed before the great or last ʿAqabah meeting, which took place several months before the *hijrah*.[28] At this meeting there was a more significant participation of the Aws, which indicates that the two tribes were now capable of some joint action. Of the seventy-three persons listed by Ibn Isḥāq, eleven were of the Aws including the two clients who participated in the earlier meeting.[29] Awsī participation in the meetings with Muḥammad, with one exception, remained rather humble,[30] but an emerging pattern of cooperation between the Khazraj and parts of the Aws is evident. This is not a description of a political vacuum; the Anṣār who met him reportedly intended to conclude a truce between the Aws and Khazraj. The following passage on the ʿAqabah meeting is from Ibn Saʿd:

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[27] Ibn Hishām, *al-Sīrah al-nabawīyah*, 2:71 (1:287): *innā qad taraknā qawma-nā wa-lā qawm bayna-hum min al-ʿadāwah wa-al-sharr mā bayna-hum, fa-ʿasā an yajmaʿa-hum Allāh bi-ka, fa-sa-naqdamu* [Wüstenfeld: *fa-sa-nuqaddimu*, but the variants have *fa-sa-naqdamu*] *ʿalay-him fa-nadʿū-hum ilā amri-ka wa-naʿriḍu ʿalay-him alladhī ajabnā-ka ilay-hi min hādhā al-dīn, fa-in yajmaʿ-hum Allāh ʿalay-ka fa-lā rajul aʿazz min-ka.*

[28] A detailed study of the reports on the meetings with Muḥammad is a desideratum.

[29] Ibn Hishām, *al-Sīrah al-nabawīyah*, 2:97–110 (1:305–313).

[30] There is a good reason to assume that the list or participants more or less reflects historical fact: the Awsī participants at the great ʿAqabah meeting were from the Nabīt and the ʿAmr b. ʿAwf subdivisions of the Aws, while members of the Aws Allāh subdivision were not present. Indeed the Aws Allāh remained indifferent if not hostile to Muḥammad for at least five of his ten years of activity in Medina; Lecker, *Muslims, Jews and Pagans*, 19–41.

> The Prophet: "Will you protect me so that I deliver the message of my Lord?"
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> The Anṣār: "Messenger of God, we shall exert ourselves for God and his Messenger. [But] we [that is, the Aws and Khazraj], you should know, are enemies and hate each other, and the war of Buʿāth, one of our battles in which we fought against each other, only took place a year ago. If you come [to Medina] while we are in this state, not many of us will be united under you. Let us return to our clans, perhaps God will reconcile us, and [if he does] we shall meet at the pilgrimage next year".[31]

This passage corroborates the one quoted earlier from Ibn Hishām because it is phrased differently and hence comes from another source. The passage in Ibn Hishām goes back to ʿĀṣim b. ʿUmar b. Qatādah of the Aws, who in his turn quotes "elders from his tribe" (*ashyākh min qawmi-hi*), while the passage in Ibn Saʿd probably goes back to Ibn Abī Ḥabībah < Dāwud b. al-Ḥuṣayn, who was also of the Aws.[32] Ibn Saʿd adduces it in a combined report concocted by Wāqidī.[33]

In U. Rubin's analysis of the reports about the ʿAqabah meeting the passages from Ibn Saʿd and Ibn Hishām belong to two different categories:

> In some versions, emphasis is laid on the role played by God in bringing about salvation through the unification of the Anṣār, which creates conditions of permanent asylum for Muḥammad in Medina. In a tradition recorded by Ibn Saʿd . . . they suggest that he wait till next year, and perhaps by then God will have established peace among

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[31] Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 1:218–19: *tamnaʿūna lī ẓahrī ḥattā uballigha risālat rabbī? Fa-qālū: naḥnu mujtahidūna li-Allāh wa-li-rasūli-hi. Naḥnu, fa-ʿlam, aʿdāʾ mutabāghiḍūna wa-innamā kānat waqʿat Buʿāth ʿām al-awwal, yawm min ayyāminā iqtatalnā fī-hi, fa-in taqdam wa-naḥnu kadhā lā yakūnu la-nā ʿalay-ka ijtimāʿ, fa-daʿnā ḥattā narjiʿa ilā ʿashāʾirinā, laʿalla Allāh yuṣliḥu dhāt bayni-nā, wa-mawʿidu-ka al-mawsim al-ʿām al-muqbil.*

[32] Abū Hilāl al-ʿAskarī, *al-Awāʾil*, edited by Muḥammad al-Miṣrī and Walīd Qaṣṣāb (Damascus: Wizārat al-thaqāfah wa-al-irshād al-qawmī, 1975), 1:210–11 (< Wāqidī < Ibn Abī Ḥabībah [printed erroneously: Ibn Abī Ḥanīfah] < Dāwud b. al-Ḥuṣayn). One expects to find this *isnād* among the sources of the combined report recorded in Ibn Saʿd (see below), but it is not there.

[33] ʿĀṣim b. ʿUmar (< Maḥmūd b. Labīd) is in fact among the sources listed at the beginning of the combined report (Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 1:217); but the wording shows that the passage does not belong to ʿĀṣim but to another source. One can identify the section of the combined report which Wāqidī quotes from ʿĀṣim b. ʿUmar (after having made several editorial modifications); see Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 1:219. The identification is based on three elements: 1. the Prophet's question *a-min mawālī yahūd*? (Ibn Hishām) / *a-ḥulafāʾ yahūd*? (Ibn Saʿd); 2. the number of participants at that preliminary meeting with Muḥammad (they numbered six); 3. the participants' identity.

> their people. In this tradition, the unification of the Medinans by God is a precondition for the Prophet's arrival in Medina; without this unity, no shelter could be offered to him by the Medinans. . . .
>
> In another group of traditions [i.e., including ʿĀṣim b. ʿUmar's—M.L.] . . . [t]he reconciliation of the fighting Medinan clans is not a precondition for his arrival, but rather the goal of his appearance and the blessed outcome of the spread of his religion. Thus Muḥammad does not gain salvation, but rather provides it.[34]

There are also other indications that on the eve of the *hijrah* the Aws and Khazraj were in a state of détente. It is reported (below, 54) that Mālik b. Sinān al-Khudrī (Khazraj) visited the court of the ʿAbd al-Ashhal (Aws). His arrival at the enemy territory calls for the following comment: "We were then in a state of truce" (*wa-naḥnu yawmaʾidhin fī hudnah min al-ḥarb*). Admittedly the report is of the type called "the proofs of Muḥammad's prophethood" (*dalāʾil al-nubūwah*) and is not mainly concerned with historical events. But the truce, precisely because it is of secondary importance, forms trustworthy background information.[35]

There is yet another report on the same topic. Ḥassān b. Thābit of the Najjār (Khazraj) was reportedly drinking wine with his boon companion Sallām b. Mishkam, a Jew of the Naḍīr, in the latter's house. Also present were Kaʿb b. Asad of the Jewish Qurayẓah, Ibn Ubayy of the ʿAwf (Khazraj) and Qays b. al-Khaṭīm of the Ẓafar (Aws). "They [that is, the Aws and Khazraj] were in a state of truce, after the war had come to an end."[36] The unspecified war must have been that of Buʿāth. Not long before the *hijrah* the Jewish leader of the Naḍīr was giving a party to the former Arab enemies. At some point the host, Sallām, supposedly addressed Qays b. al-Khaṭīm using these words: ". . . since you are part of me and I am your ally" (*li-anna-ka min-nī wa-annī ḥalīfu-ka*).

While the historicity of the conversation is doubtful, it is a fact that at Buʿāth Sallām's tribe, the Naḍīr, fought alongside Qays's tribe, the Aws. As we shall see, this only happened in the Battle of Buʿāth because under "normal" circumstances the Naḍīr allied themselves with the Khazraj.

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[34] U. Rubin, *The Eye of the Beholder. The Life of Muḥammad as Viewed by the Early Muslims: A Textual Analysis* (Princeton: The Darwin Press, 1995), 170 and 175.

[35] Abū Nuʿaym al-Iṣfahānī, *Dalāʾil al-nubūwah*, edited by Muḥammad Rawwās Qalʿajī and ʿAbd al-Barr ʿAbbās (Beirut: Dār al-nafāʾis, 1406/1986), 79, no. 40.

[36] *Wa-kānū fī muwādaʿa, wa-qad waḍaʿat al-ḥarb awzāra-hā bayna-hum*; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 6:100–101 (6:359).

Before further investigating the aftermath of the Battle of Buʿāth, several introductory remarks are necessary. Medinan pre-Islamic politics were based on a delicate system of treaties, which had to guarantee that none of the rival tribes Aws and Khazraj gained a substantial advantage over the other. The system collapsed from time to time which led to bloody conflict. The farmers needed free access to their orchards and fields and an uninterrupted water supply through the irrigation canals and the markets only functioned when people could frequent them without fear. The most common treaty in Arabian politics was a truce or non-belligerency treaty (typically called *muwādaʿah*). One such treaty was concluded after the Battle of Muʿabbis and Muḍarris, which preceded the Battle of Buʿāth. Following their defeat in the former battle, the Aws had to take shelter in their houses and fortresses. Then two subdivisions of the Aws, the ʿAmr b. ʿAwf and the Aws Manāt (otherwise known as the Aws Allāh), concluded a *muwādaʿah* with the Khazraj. The other subdivision of the Aws, namely the Nabīt, or more precisely two if its components, the ʿAbd al-Ashhal and the Ẓafar, together with others from the Aws, did not join the treaty.[37]

The Battle of Buʿāth was the last major event preceding the advent of Islam and hence its aftermath is of crucial importance for us here.[38] At Buʿāth the Naḍīr and Qurayẓah extraordinarily fought alongside the Aws. Usually the Naḍīr and Qurayẓah refrained from participating in the battles between the Aws and Khazraj and had agreements with both. In connection with the Battle of Muʿabbis and Muḍarris it is reported that having achieved a victory over the Aws, the Khazraj feared that the Naḍīr and Qurayẓah would aid the Aws against them. They reminded the Jewish clans of their agreement [of non-intervention] (*inna-kum qad ʿalimtum alladhī ʿāhadtumūnā ʿalay-hi wa-alladhī bayna-nā wa-bayna-kum*), adding that the Aws were

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[37] J. Wellhausen, *Medina vor dem Islam: Muhammads Gemeindeordnung von Medina; Seine Schreiben, und die Gesandtschaften an ihn* (Berlin: Georg Reimer, 1889), 51; ʿAlī b. Muḥammad ʿIzz al-Dīn b. al-Athīr, *al-Kāmil fī al-taʾrīkh* (Beirut: Dār ṣādir—Dār Bayrūt, 1385/1965–1386/1966), 1:676.

[38] Compare C.E. Bosworth, "Buʿāth," in *The Encyclopaedia of Islam* (Leiden: E.J. Brill, 1954–), 1:1283. According to Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, edited by ʿUmar Gharāmah al-ʿAmrawī (Beirut: Dār al-fikr, 1415/1995–1419/1998) 9:79 and 96, the battle took place six years before the *hijrah*. But Zayd b. Thābit was six years old when his father died at Buʿāth and eleven at the time of the *hijrah*; Lecker, "Zayd b. Thābit, 'a Jew with Two Sidelocks': Judaism and Literacy in pre-Islamic Medina (Yathrib)," *Journal of Near Eastern Studies* 56 (1997): 262.

geographically closer to the Jews and had an alliance with them (*wa-qad ʿalimnā anna al-qawm aqrab ilay-kum jiwāran min-nā wa-bayna-kum wa-bayna-hum ḥilf*). But this, the Khazraj added, should not lead the Jews to sever their agreement with the Khazraj and support the Aws against them (*fa-lā yaḥmilanna-kum dhālika ʿalā an taqṭaʿū mā bayna-nā wa-bayna-kum wa-tuʿīnū-hum ʿalay-nā*). The Naḍīr and Qurayẓah assured the Khazraj that they would not sever their agreement with them since in their view they (the Aws and Khazraj) were of the same standing (*innā lā naqṭaʿu mā bayna-nā wa-bayna-kum, wa-mā antum ʿinda-nā illā bi-manzil wāḥid*).[39] The wording of these exchanges is of course a post-factum adaptation; but their literary garb does not render them useless for the historian because their creator related the historical facts as preserved in his milieu.

Let us turn to a significant detail regarding the aftermath of the Battle of Buʿāth, which hitherto went unnoticed. In Samhūdī's account on the battle it is reported that after their victory, the Jews vowed to pull down Ibn Ubayy's fortress (*ḥiṣn*). Having been surrounded by the Jews, Ibn Ubayy informed them that he had not taken part in the battle (which they already knew), neither did he kill any of the Jewish children held hostage in his fortress (which they did not know). Most of the hostages held by him, we are told, were from the Naḍīr.[40] On hearing this, the Naḍīr rejoiced. They sheltered Ibn Ubayy from the Aws and Qurayẓah and he released their children. The following is new: Ibn Ubayy made an alliance with them (i.e., he probably renewed the old alliance between the Naḍīr and his own subdivision of the Khazraj, the ʿAwf b. al-Khazraj). Then he endeavored ceaselessly using various stratagems until he brought them (i.e., the Naḍīr) back to their alliance with the Khazraj (viz. the Khazraj as a whole, not only with the ʿAwf b. al-Khazraj).[41]

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[39] Qays b. al-Khaṭīm, *Dīwān*, edited by Nāṣir al-Dīn al-Asad (Beirut: Dār ṣādir, 1387/1967), 180.

[40] That Ibn Ubayy did not kill the hostages is also mentioned in Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 15:162 (17:119); Wellhausen, *Medina vor dem Islam*, 55; Wüstenfeld, *Geschichte der Stadt Medina*, 52. The *Aghānī* mentions a Qurazī hostage held by Ibn Ubayy, namely Sulaymān (or Sulaym—as in the Dār al-Kutub edition and below) b. Asad, the great-grandfather of the famous scholar Muḥammad b. Kaʿb al-Qurazī (below, page 70). See also Ibn al-Athīr, *al-Kāmil*, 1:680: Sulaym b. Asad, the *jadd* of Muḥammad b. Kaʿb. For Muḥammad b. Kaʿb's pedigree see e.g. Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 55:130; Ibn Manẓūr, *Mukhtaṣar taʾrīkh Dimashq li-Ibn ʿAsākir*, edited by Rūḥīyah al-Naḥḥās *et al.* (Damascus: Dār al-fikr, 1404/1984–1409/1989), 23:179: Muḥammad b. Kaʿb b. Ḥayyān b. Sulaym b. Asad.

[41] Al-Samhūdī, *Wafāʾ al-wafā*, 1:217–18: *wa-ḥalafat al-yahūd la-tahdimanna ḥiṣn ʿAbd*

Samhūdī's report on Ibn Ubayy's maneuvering after Buʿāth is not among the extracts from his history of Medina which Wüstenfeld chose to include, in German translation, in his *Geschichte der Stadt Medina*. Presumably for this reason it was not taken into account by Wellhausen in his analysis of the state of affairs in Medina on the eve of the *hijrah*.[42] According to Wellhausen, there was no real peace between the Aws and Khazraj even after the Battle of Buʿāth.[43] Wellhausen thought that the situation after Buʿāth was even worse than before. He rejected the report about the near-crowning of Ibn Ubayy: after the *hijrah* Muḥammad could not even choose an *imām* from either the Aws or Khazraj who would be acceptable for the other tribe.[44]

Allāh b. Ubayy . . . fa-lammā aḥāṭū bi-al-ḥiṣn qāla la-hum ʿAbd Allāh: ammā anā fa-lam aḥḍur maʿa-hum wa-hāʾulāʾi awlādu-kum alladhīna ʿindī fa-inna-nī lam aqtul min-hum aḥadan wa-nahaytu al-Khazraj fa-ʿaṣawnī. Wa-kāna jull man ʿinda-hu min al-rahn min awlād banī al-Naḍīr, fa-fariḥū ḥīna samiʿū bi-dhālika fa-ajārū-hu min al-Aws wa-min Qurayẓah. Fa-aṭlaqa awlāda-hum wa-ḥālafa-hum, wa-lam yazal [one expects here: *bi-him*] *ḥattā radda-hum ḥulafāʾ al-Khazraj bi-ḥiyal taḥayyala bi-hā*.

42 Wüstenfeld, *Medina vor dem Islam*, 35–36; see also 52–64, especially 59–62.

43 "Das Gleichgewicht war wieder hergestellt; beide Parteien waren erschüttert und kraftlos. Zu einem Friedensschluss aber kam es nicht; es wurde keine Blutrechnung aufgestellt und keine Sühne bezahlt. Es blieb beim Alten; der latente Kriegszustand, der vor der Schlacht von Buʿath geherrscht hatte, herrschte auch nachher."

44 "Dass kurz vor der Ankunft Muhammads Ibn Ubaij davor gewesen sei zum Könige über beide Stämme gekrönt zu werden, ist, trotz dem unleugbar vorhandenen Bedürfnisse nach einem Könige, nicht zu glauben." Wellhausen, *Medina vor dem Islam*, 35 and 36, n. 2. F. Buhl, *Das Leben Muhammeds*, translated by H.H. Schaeder (Heidelberg: Quelle & Meyer 1955), 203, described the situation in Medina in similar terms: "Der Zustand war trostlos; niemand konnte sicher auf die Straße gehen, überall drohten Meuchelmörder, die das Blut ihrer Angehörigen zu rächen hatten." Buhl continues, in line with the traditional explanation found in some sources, that the invitation of the Prophet to come to Medina was the result of these circumstances: "Da war es eine der merkwürdigsten Fügungen der Geschichte, daß die Medīnenser, die einen Führer entbehrten, und Muhammed, der sich als Führer fühlte, aber ein Heer entbehrte, einander fanden. . . ." See also W.M. Watt, *Muhammad at Medina* (Oxford: The Clarendon Press, 1956), 158 (who lists Samhūdī among his sources): "No formal peace was made after Buʿāth, but the combatants were too exhausted to continue the struggle actively. For the most part the enemy groups avoided one another, but there was a state of hostility, and, if a man was careless and gave his opponents an opportunity, he was liable to be murdered. This was the uneasy position in Medina when negotiations with Muḥammad commenced". Elsewhere Watt speaks of "the period of 'cold war' after Buʿāth" in which "[a] man might venture a little way into the territory of another clan where he knew he had some friends; but to go right across another clan's lands to those of a third was a risky matter;" Watt, *Muhammad at Medina*, 173. Also Th. Nöldeke and F. Schwally, *Geschichte des Qorāns* (Leipzig: Dieterichische Verlagsbuchhandlung, 1909), 1:165, accept Wellhausen's analysis of the state of affairs in Medina: there was no peace treaty, the question of blood-money was not settled and was left to those involved. This led to the hasty adoption of the stranger: "Wenn die Bewohner von Yaṯrib sich apäter so rasch an die Herrschaft eines Fremden gewöhnten, so ist das gewiß mit eine Folge jener anarchischen Zustände, die auf die Dauer immer

Admittedly, even after hostilities between the tribes had been terminated, isolated attacks on individuals continued as a kind of residue from the bitter fighting. But there was no more fighting between tribes, and hence the isolated incidents should not be given too much significance. For example, Nufayʿ b. al-Muʿallā b. Lawdhān from the Banū Mālik b. Zayd Manāt who were the clients (*ḥulafāʾ*) of the Zurayq (Khazraj) was murdered by a client (*ḥalīf*) of the Aws who belonged to the Muzaynah tribe, "because of what had happened between the Aws and Khazraj".[45] The murder took place in wadi Buṭḥān shortly before the *hijrah*: Ibn al-Kalbī says that Nufayʿ embraced Islam before the *hijrah*, which made him the first Anṣārī killed in the Islamic era.[46] The settlement of old accounts continued even at the time of Muḥammad[47] and does not reflect the general state of affairs; it was only natural that even after the *hijrah* some people avoided the territories of certain clans for fear of retaliation.

Before Buʿāth, i.e., when "normal" conditions prevailed, the Naḍīr were allied with the Khazraj, while the Qurayẓah were allied with the Aws.[48] With regard to the Naḍīr there is some circumstantial evidence. The majority of the Jewish hostages held by the Khazrajī Ibn Ubayy were from the Naḍīr; the Khazrajī ʿAbd Allāh b. ʿAtīk had a Jewish foster-mother living in Khaybar,[49] and one assumes

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unerträglicher werden mußten". Caetani's assumption that the Medinans who made an agreement with Muḥammad were motivated by the wish to pacify their town, is rejected by Nöldeke, although he admits that this may have been discussed among them. He then refers to the passage in Ibn Hishām also used by Crone: "In der Überlieferung wird das letztere ausdrücklich behauptet, aber sie betont in erster Linie das religiöse moment."

[45] For the alliance between the Aws and the Muzaynah see also Ibn al-Athīr, *al-Kāmil*, 1:680: during the preparations for the Battle of Buʿāth the Aws sent for their allies from the Muzaynah, while the Khazraj sent for their allies from the Ashjaʿ and the Juhaynah.

[46] Ibn al-Kalbī, *Nasab maʿadd wa-al-yaman al-kabīr*, edited by Nājī Ḥasan (Beirut: ʿĀlam al-kutub—Maktabat al-nahḍah al-ʿarabīyah, 1408/1988), 1:420 (instead of *fa-qatala-hu wa-huwa ṣiṭḥān*, read: *fa-qatala-hu wa-huwa bi-Buṭḥān*); Ibn Qudāmah, *al-Istibṣār*, 182 (instead of *min aḥad mā kāna*, read: *min ajl mā kāna*); Ibn Ḥazm al-Andalusī, *Jamharat ansāb al-ʿarab*, edited by ʿAbd al-Salām Hārūn (Cairo: Dār al-maʿārif, 1382/1962), 356; Aḥmad Ibn Ḥajar al-ʿAsqalānī, *al-Iṣābah fī tamyīz al-ṣaḥābah*, edited by ʿAlī Muḥammad al-Bijāwī (Cairo: Dār nahḍat Miṣr, 1392/1972), 6:468 no. 8800 (the expression *marra bi-hi wa-huwa yabīʿu* appears to be a scribal error).

[47] See for example the murder of al-Mujadhdhar b. Dhiyād in the Battle of Uḥud; Ibn Ḥajar, *al-Iṣābah*, 5:770–72 no. 7732.

[48] ʿAbd al-Karīm b. Muḥammad al-Samʿānī, *al-Ansāb*, edited by ʿAbd Allāh ʿUmar al-Bārūdī (Beirut: Dār al-jinān, 1408/1988), 5:503 s.v. al-Naḍīrī.

[49] Lecker, "ʿAmr b. Ḥazm al-Anṣārī and Qurʾān 2,256: 'No Compulsion is There in Religion'," *Oriens* 35 (1996): 64.

that she was of the Naḍīr because upon their expulsion from Medina many of them went to Khaybar; moreover, the Khazrajī ʿAmr b. Ḥazm went into exile with an unspecified Jew of the Naḍīr who raised him.[50] Finally, as has been argued Ibn Ubayy's maneuvering led to the renewal of the alliance between the Naḍīr and the Khazraj.

Not only the Naḍīr but also the Qaynuqāʿ were allied with the Khazraj, while the Qurayẓah were as mentioned allied with the Aws.[51] This may suggest that militarily the Qurayẓah were as strong as the combination of the other two Jewish tribes.[52]

With regard to the Qurayẓah it can be shown that at the time of the Prophet the link between them and the Aws was still strong despite the upheaval in Medinan politics caused by Muḥammad's activity. It stands to reason that the same is true of the link between the Naḍīr and the Khazraj. The interference of the Khazrajī Ibn Ubayy in order to save the besieged Qaynuqāʿ and his promise to provide

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[50] Lecker, "ʿAmr b. Ḥazm al-Anṣārī," 59; Lecker, "Zayd b. Thābit," 263. Al-Rabīʿ b. Abī al-Ḥuqayq of the Qurayẓah (!) who was in command of his tribe at Buʿāth had an alliance with the Khazraj; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī* (Dār al-Kutub), 22:128 (*wa-kāna ḥalīfan li-al-Khazraj huwa wa-qawmu-hu fa-kānat riyāsat banī Qurayẓah li-al-Rabīʿ . . .; wa-kāna raʾīs banī al-Naḍīr yawmaʾidhin Sallām b. Mishkam*). In fact al-Rabīʿ belonged to a famous family of the Naḍīr; Aḥmad b. Yaḥyā b. Jābir al-Balādhurī, *Ansāb al-ashrāf*, vol. 1 edited by Muḥammad Ḥamīd Allāh (Cairo: Dār al-maʿārif, 1959), 1:284; Ibn Hishām, *al-Sīrah al-nabawīyah*, 2:160 (1:351); Muḥammad b. Sallām al-Jumaḥī, *Ṭabaqāt fuḥūl al-shuʿarāʾ*, edited by Maḥmūd Muḥammad Shākir (Cairo: Maṭbaʿat al-Madanī 1394/1974), 1:281; Muḥammad b. Aḥmad al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-qurʾān*, (Cairo: Dār al-kutub, 1387/1967), 14:129, interpretation of Qurʾān 33:9 (Kinānah b. al-Rabīʿ b. Abī al-Ḥuqayq of the Naḍīr is mentioned in connection with the Battle of the Khandaq).

[51] Ibn Taymīyah, *al-Ṣārim al-maslūl ʿalā shātim al-rasūl*, edited by Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd (Beirut: Dār al-fikr, n.d.), 62.

[52] We also find evidence to the contrary concerning the Naḍīr and Qurayẓah probably reflecting confusion; Abū ʿAbd Allāh Muḥammad b. ʿUmar al-Fakhr al-Rāzī, *al-Tafsīr al-kabīr aw mafātīḥ al-ghayb* (Cairo: 1352/1933; reprint Tehran: Dār al-kutub al-ʿilmīyah, n.d.), 10:154, interpretation of Qurʾān 4:60–61. The context is a dispute between the Naḍīr and Qurayẓah over blood-wit. Alternatively it could reflect the state of affairs at an earlier period, several decades before the advent of Islam. Compare the following version of the Fiṭyawn story (which however speaks of clients, not of allies) in which the king who allegedly reduced the Jews to client status is Tubbaʿ Abū Karib: when the Jews were humiliated (*dhallat*, i.e., lost their ability to defend themselves), the Qurayẓah became the clients of the Khazraj (*ḥālafat banū Qurayẓah al-Khazraj*), the Naḍīr became the clients of the Aws and they were permitted to stay with them in their abode (*wa-uqirrū maʿa-hu* [read: *maʿa-hum*] *fī al-dār*); Ḥassān b. Thābit, *Dīwān*, edited by W. ʿArafat (London: E.J.W. Gibb Memorial Series, 1971), 2:236. The reports on the aftermath of the Fiṭyawn affair belong to the Anṣārī apologetic historiography and are exaggerated; Lecker, "Were the Jewish Tribes in Arabia Clients of Arab Tribes?" in *The Mawālī in Early Islam: Proceedings of the Mawālī Workshop*, edited by M. Bernards and J. Nawas, forthcoming.

aid to the besieged Naḍīr—though unfulfilled[53]—confirm the existence of an alliance between the Khazraj and these two Jewish tribes.

As to the Qurayẓah, it was no accident that their fate was decided by the Awsī Saʿd b. Muʿādh of the ʿAbd al-Ashhal. In the *jāhilīyah*, one report says, the Qurayẓah and Naḍīr were the allies of the Aws and Khazraj (viz. respectively). Saʿd b. Muʿādh was from the tribe that had an alliance with the Qurayẓah (i.e., the Aws).[54] The leader of the ʿAbd al-Ashhal, Usayd b. al-Ḥuḍayr, was similarly determined not to let the old alliance with the Qurayẓah interfere with his duty as a Muslim. He reportedly said to the besieged Jews of the Qurayẓah: "O enemies of God, we shall not leave your fortress (*ḥiṣn*) until you starve to death. You are (trapped) like a fox in a hole." They said: "O son of al-Ḥuḍayr, we are your allies against the Khazraj" (*naḥnu mawālī-ka dūna al-Khazraj*); and they grew weak (*wa-khārū*). Usayd said: "There is neither a treaty nor an alliance between me and you" (*lā ʿahd baynī wa-bayna-kum wa-lā ill*).[55] When the Qurayẓah surrendered, the Aws demanded that they be given the same treatment as the Qaynuqāʿ who were the allies of the Khazraj, in other words they asked that they be allowed to go to exile.[56] The alliance between the Qurayẓah and the Aws is also reflected in the reports about the execution of the former. When their men were put to death, two prominent Khazrajīs, Saʿd b. ʿUbādah and the above mentioned al-Ḥubāb b. al-Mundhir,[57] told the Prophet that the Aws were soured (*karihat*) by the killing of the Qurayẓah because of their alliance with them. Saʿd b. Muʿādh reacted by saying that those of the Aws who were people of virtue were not soured. He added: "May God not

[53] Muḥammad b. ʿUmar al-Wāqidī, *Kitāb al-maghāzī*, edited by Marsden Jones (London: Oxford University Press, 1966), 1:177–78 and 368–71, respectively.

[54] Jalāl al-Dīn al-Suyūṭī, *al-Durr al-manthūr fī al-tafsīr bi-al-maʾthūr*, (Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, n.d. [1314/1896]), 6:189, interpretation of Qurʾān 59: . . . *anna Qurayẓah wa-al-Naḍīr qabīlatāni min al-yahūd kānū ḥulafāʾ li-qabīlatayni min al-Anṣār, al-Aws wa-al-Khazraj fī al-jāhilīyah*; 190: *fa-nazalū ʿalā ḥukm Saʿd b. Muʿādh, wa-kāna min al-qabīlah alladhīna* [*sic*] *hum ḥulafāʾu-hum* . . .

[55] Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 9:92. Alternatively, *al-ill* is interpreted as *al-qarābah*; Abū ʿUbayd al-Qāsim b. Sallām, *al-Gharīb al-muṣannaf*, edited by Mohamed Mokhtar Labidi (Carthage: Bayt al-ḥikmah, 1989–1996), 1:130, referring to a verse by Ḥassān; see Ḥassān b. Thābit, *Dīwān*, 1:394 no. 218 (interpreted here as *al-raḥim*).

[56] ʿAlī b. Ibrāhīm Burhān al-Dīn Nūr al-Dīn al-Ḥalabī, *Insān al-ʿuyūn fī sīrat al-amīn al-maʾmūn* (Cairo: al-Maṭbaʿah al-azharīyah, 1320 A.H.), 2:338: . . . *mawālī-nā wa-ḥulafāʾu-nā wa-qad faʿalta fī mawālī ikhwāni-nā bi-al-amsi mā qad faʿalta, yaʿnūna banī Qaynuqāʿ*. . . .

[57] On whom see Ibn Ḥajar, *al-Iṣābah*, 3:65–67 no. 3175; 2:10–11 no. 1554, respectively.

content those who are." Then Usayd b. al-Ḥuḍayr suggested that the Qurayẓah be dispersed among the courts (*dār*, pl. *dūr*) of the Aws (i.e., so that each clan would take part in the execution). Two men were sent to each of the following Awsī clans: ʿAbd al-Ashhal, Ḥārithah, Ẓafar, Muʿāwiyah (all four were of the Nabīt) and ʿAmr b. ʿAwf.[58] In short, the feeling of solidarity towards the Qurayẓah among the Aws was still strong.

The respective alliances between the Qurayẓah and Naḍīr, and the Aws and Khazraj, belong to the system of mutual neutralization of the Medinan tribes, Arab and Jewish. Ibn Ubayy was probably accepted as a reconciliator by the Jews (and the Aws) due to his passive role at Buʿāth,[59] and above all due to the fact that he had refrained from murdering his Jewish hostages.[60] The two main Jewish tribes had a significant place in the general balance of power reinstated after Buʿāth. One expects the problem of blood money to have been settled although evidence on this has yet to emerge. Ibn Ubayy who belonged to the defeated Khazraj benefited from the demise at Buʿāth of the militant Khazrajī leader ʿAmr b. al-Nuʿmān of the Bayāḍah.[61]

Despite their victory (alongside the Jews), the Aws did not gain ascendancy over the Khazraj who remained the strongest Arab tribe in Medina.[62] Masʿūdī correctly says:

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[58] Wāqidī, *Kitāb al-maghāzī*, 2:515–16. Wāqidī reports that Quraẓīs were also sent to the Umayyah b. Zayd. The Umayyah b. Zayd could not have been the Aws Allāh clan that carried this name and hence must have been their namesakes of the ʿAmr b. ʿAwf. But the ʿAmr b. ʿAwf have already been mentioned. Wāqidī was probably combining information from two different sources. ʿUwaym b. Sāʿidah who reportedly killed a captive sent to the ʿAmr b. ʿAwf (Ibn Ḥajar, *al-Iṣābah*, 4:745–46 no. 6116) was a client of the latter Umayyah b. Zayd; Lecker, *Muslims, Jews and Pagans*, 64–65.

[59] "Er war der richtige Munâfiq"; Wellhausen, *Medina vor dem Islam*, 34, n. 2.

[60] The Jews are supposed to have encouraged Ibn Ubayy after the *hijrah* to think highly of himself, and to have pushed the Aws and Khazraj to obey him: *wa-qad kāna al-yahūd yajlisūna ilā ʿAbd Allāh b. Ubayy b. Salūl wa-yuʿazzimūna-hu wa-yujillūna-hu wa-yazīdūna fī dhālika li-ajl ʿadāwati-hi li-al-nabī ṣ wa-yabīʿathūna al-Aws wa-al-Khazraj ʿalā ṭāʿati-hi wa-yaqūlūna: sayyidu-kum al-qadīm wa-laḥmu-kum wa-damu-kum, wa-innamā Muḥammad wa-aṣḥābu-hu dukhalāʾ fī-kum*; ʿAbd al-Jabbār b. Aḥmad al-Hamadhānī, *Tathbīt dalāʾil al-nubūwah*, edited by ʿAbd al-Karīm ʿUthmān (Beirut: Dār al-ʿarabīyah, 1966–68), 2:462.

[61] Compare Crone, *Meccan Trade*, 217 n. 66: "It [the assumed contradiction in the evidence regarding the state of affairs in Medina] is all the more irresoluble in that the Aws were supposed to have won the Battle of Buʿāth, fought shortly before the arrival of the Prophet. . . . Yet when he arrived, Yathrib allegedly had a Khazrajī ruler".

[62] Wellhausen, *Medina vor dem Islam*, 6, 30, and 32–33. The Khazraj were victorious in most of the battles before Buʿāth; al-Samhūdī, *Wafāʾ al-wafā*, 1:215.

> The Khazraj were superior to the Aws shortly before the advent of Islam and intended to crown ʿAbd Allāh b. Ubayy b. Salūl al-Khazrajī. This coincided with the arrival of the Prophet and his kingship ceased to exist.[63]

This passage has recently been studied by Kh. ʿAthamina who has interpreted it differently:

> This coronation plan . . . came at the initiative of the Arab residents of al-Madīna (Yathrib), whether from the al-Khazraj tribe (the dominant tribe in that town) or as a coordinated effort from both the al-Khazraj and the Aws tribe. Of all the reports regarding the coronation of Ibn Ubayy, only the tradition cited by al-Masʿūdī contradicts this. According to al-Masʿūdī, the Khazraj tribe forced the coronation upon the Aws tribe.[64]

But Masʿūdī's words *ghalabat al-Khazraj ʿalā al-Aws . . . wa-hammat an tutawwija ʿAbd Allāh b. Ubayy* do not indicate that the Khazraj forced the crowning on the Aws, but rather that the former were superior to the latter, hence it was only natural that the man who nearly became king was one of them.[65] Indeed Khazrajī superiority over the Aws is a major factor in Muḥammad's accomplishment in Medina.[66]

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[63] Quoted in Ibn Saʿīd, *Nashwat al-ṭarab*, 1:190: *ghalabat al-Khazraj ʿalā al-Aws fī-mā qaruba min al-islām wa-hammat an tutawwija ʿAbd Allāh b. Ubayy b. Salūl al-Khazrajī fa-wāfaqa dhālika majīʾ al-nabī ṣ fa-baṭala mulku-hu.*

[64] Kh. ʿAthamina, "The Tribal Kings in Pre-Islamic Arabia: A Study of the Epithet *malik* or *dhū al-tāj* in Early Arabic Traditions," *Qantara* 19 (1998): 26–27.

[65] ʿAthamina himself rejects what he believes to have been Masʿūdī's intent: ". . . [T]he circumstances and the general climate in Yathrib on the eve of the coronation would not have enabled a unilateral initiative by the Khazraj, even though they were the stronger side." He correctly sums up: "His social stand, military power, and degree of influence are reflected in historical reports. . . . [I]t was all of these facts, along with the atmosphere of reconciliation which characterized Madīna on the eve of the *hijra*, which underlay the idea of crowning ʿAbdullāh b. Ubayy." ʿAthamina does not refer to Crone's analysis of this matter. In his reference to Ibn Saʿīd, *Nashwat al-ṭarab*, read 1:190, instead of 1:264. He defines Sayf b. Dhī Yazan as "the king from the Ḥimyar dynasty in Yemen who converted to Judaism and died as a martyr in the Ethiopian invasion of his country;" ʿAthamina, "The Tribal Kings," 21. But Sayf apparently died a natural death (compare Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 3:444 and 450) and ʿAthamina may be confusing him with Dhū Nuwās. Instead of D. Ayalon (in ʿAthamina, "The Tribal Kings," 23 n. 15) read: A. Ayalon. Instead of Zuhayr b. Judhayma al-ʿAbsī (ʿAthamina, "The Tribal Kings," 34) read: Zuhayr b. Jadhīmah; see J.W. Fück, "Ghaṭafān," in *The Encyclopaedia of Islam* (1954–), 2:1023–1024.

[66] Muḥammad's activity in Medina further strengthened the Khazraj who gave him much more support than the Aws. It is no accident that at the Saqīfat Banī Sāʿidah only the Khazraj had a candidate of their own, namely Saʿd b. ʿUbādah, himself of the Sāʿidah.

To sum up this discussion of the state of affairs in Medina on the eve of the *hijrah* it should be observed that the sources offer us two scenarios, one "spiritual" and the other "political". According to the former, the reconciliation of the Aws and Khazraj, which preceded the major ʿAqabah meeting, was linked to the Anṣār's conversion to Islam. The latter scenario which only exists in an incomplete form includes Ibn Ubayy's effective maneuvering after Buʿāth and his near-crowning.

III. *The Near-Crowning of ʿAbd Allāh b. Ubayy*

Ibn Ubayy's near-crowning appears in different accounts by various authorities in diverse context. Some of these accounts may go back to one and the same source, but this is unlikely to be true of all of them and hence the near-crowning is not a mere literary theme. The evidence that follows should be added to what we already know about the different forms of kingship in Medina and about Ibn Ubayy's political activity after the Battle of Buʿāth.

After a short stay in the village of Qubāʾ in Upper Medina or the ʿĀliyah, we are told, where he alighted among the ʿAmr b. ʿAwf (Aws), Muḥammad moved to Lower Medina or the Sāfilah where he finally settled among the Mālik b. al-Najjār (Khazraj). His trip gave Islamic tradition an opportunity to introduce the tribal groups living along his route from the ʿĀliyah to the Sāfilah. Everybody welcomed Muḥammad warmly, with the notable exception of Ibn Ubayy. We are only concerned here with the two stops along the way which involved the clans of the ʿAwf b. al-Khazraj, namely the Ḥublā under Ibn Ubayy and the Sālim/Qawāqil(ah), the clan of ʿUbādah b. al-Ṣāmit. It stands to reason that at that early stage ʿUbādah was not yet the most prominent leader among the Sālim; Muḥammad probably supported his rise to prominence following the latter's favorable attitude towards him. According to a report said to go back to a member of the Khaṭmah (Aws), ʿUmārah b. Khuzaymah,[67] Muḥammad's first stop after having left Qubāʾ was at the court of the Sālim where he was received by ʿItbān b. Mālik and

[67] D. 105/723; Abū al-Ḥajjāj Yūsuf al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, edited by Bashshār ʿAwwād Maʿrūf (Beirut: al-Risālah, 1405/1985–1413/1992), 21:241–42 no. 4182. For an entry on his father, see Ibn Ḥajar, *al-Iṣābah*, 2:278–79 no. 2253.

Nawfal b. ʿAbd Allāh b. Mālik b. al-ʿAjlān,[68] as well as by ʿUbādah b. al-Ṣāmit and ʿAbbās b. al-Ṣāmit b. Naḍlah b. al-ʿAjlān. They invited the Prophet to stay with them, but he explained that his she-camel was heavenly-guided. When he arrived at the Masjid Banī Sālim, the Prophet led the Friday prayer and recited a *khuṭbah* or exhortation. Then he turned right and reached the court of the Ḥublā. He wanted to alight with Ibn Ubayy (probably acknowledging his status among his people), but the latter who was sitting near his fortress, Muzāḥim, rudely sent him to those who had invited him. At this point Saʿd b. ʿUbādah of the Sāʿidah (Khazraj) offered to host the Prophet and told him not to grieve over what he had heard, "for you came to us when the Khazraj wanted to make him their king" (*lā tajid . . . fī nafsi-ka min qawli-hi fa-qad qadimta ʿalay-nā wa-al-Khazraj turīdu an tumallika-hu ʿalay-hā*).[69] In a variant of this report Saʿd addresses the Prophet referring to the crown which the Khazraj were preparing for Ibn Ubayy (*lā tajid fī nafsi-ka min qawli-hi, qad qadimta ʿalay-nā wa-al-Khazraj turīdu an tumallika-hu ʿalay-nā wa-inna-hum la-yanẓimūna la-hu al-wadaʿ li-yutawwijū-hu*).[70] According to this source, *wad(a)ʿ* or seashells were still being strung for Ibn Ubayy even after Muḥammad's arrival.[71]

The struggle between Muḥammad and Ibn Ubayy assumes here the form of a bitter verbal encounter. The only place in which Muḥammad wished to stay was Ibn Ubayy's house. Yet the latter foolishly missed the chance to become Muḥammad's closest ally in Medina because,

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[68] The descendant of Mālik b. al-ʿAjlān who killed the Jewish king al-Fiṭyawn. In fact he was Mālik's great-grandson since his full pedigree was Nawfal b. ʿAbd Allāh b. Naḍlah b. Mālik b. al-ʿAjlān; Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 3:549.

[69] At each of the following stops Muḥammad was welcomed by tribal leaders eager to host him; al-Samhūdī, *Wafāʾ al-wafā*, 1:256–57; Wüstenfeld, *Geschichte der Stadt Medina*, 57. al-Samhūdī quotes the report from Yaḥyā (*Wafāʾ al-wafā*, 256), i.e., Yaḥyā b. al-Ḥasan al-Ḥusaynī al-Madanī (d. 277/890) who compiled a book on the history of Medina; see on him Ḥamad al-Jāsir, *Rasāʾil fī taʾrīkh al-Madīnah* (Riyadh: al-Yamāmah, 1392/1972), Introduction, 44; *Kitāb al-manāsik wa-amākin ṭuruq al-ḥajj wa-maʿālim al-jazīrah*, edited by Ḥamad al-Jāsir (Riyadh: Dār al-yamāmah, 1401/1981), 162–64; Ṣāliḥ Aḥmad al-ʿAlī, "al-Muʾallafāt al-ʿarabīyah ʿan al-Madīnah wa-al-Ḥijāz," *Majallat al-majmaʿ al-ʿilmī al-ʿirāqī* 11 (1964): 129–30.

[70] ʿAbd al-Malik b. Ḥusayn al-ʿIṣāmī, *Simṭ al-nujūm al-ʿawālī* (Cairo: al-Maktabah al-salafīyah, 1380), 1:311.

[71] Seashells were used as amulets: *dhū al-wadʿ* means a toddler because a necklace of seashells was hung around his neck as long as he was small; Ibn Manẓūr, *Lisān al-ʿarab* (Beirut: Dār ṣādir, 1968), 8:381, s.v. *w.d.ʿ*. Perhaps idols were decorated with seashells: *wadʿ* and *dhāt al-wadʿ* mean *wathan* or an idol.

as a fellow Khazrajī implied, he could not overcome the loss of his kingship. The scene does not lack in theatrical appeal. The audience knows that good will prevail and that the haughty rogue will be humiliated and punished. None but the most gullible of researchers would ascribe to the dialogue between the spiritual shelter-seeker and his grumpy rival the quality of an archival record; yet the dialogue's creator placed it in an environment which made historical sense.

A variant of this report again refers to the Prophet's stop at the court of the Sālim (Masjid al-Jumuʿah or the Friday Mosque) and the other stop at Ibn Ubayy's court. But Saʿd b. ʿUbādah's appeasing words are somewhat different. He told Muḥammad not to be angered by Ibn Ubayy since the people of Medina, or of this town (*baḥrah*),[72] unanimously agreed to attire Ibn Ubayy with a turban and crown him [with it] (*lā tajid ʿalay-hi fa-inna ahl hādhihi al-baḥrah kānū qad ajmaʿū ʿalā an yuʿaṣṣibū-hu wa-yutawwijū-hu*).[73]

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[72] Al-Baḥrah and its diminutive form, al-Buḥayrah, are among the names of Medina; al-Samhūdī, *Wafāʾ al-wafā*, 1:11–12.

[73] Al-Samhūdī, *Wafāʾ al-wafā*, 1:258, quoting Razīn, i.e., Razīn b. Muʿāwiyah al-ʿAbdarī (d. 524/1129 or 535/1140); see on him M. Fierro, "Razīn b. Muʿāwiya," in *The Encyclopaedia of Islam* (1954–), 8:479–480. Compare Kister, "Some Notes on the Turban in the Muslim Tradition," *Jerusalem Studies in Arabic and Islam* 24 (2000): 218: "*Muʿammam* or *muʿaṣṣab*, 'dressed in a turban,' referred to a man appointed as chief of his people. It corresponds to the expression *tuwwija*, 'he was crowned,' or *suwwida*, 'he was granted the control of a tribal group,' which are used regarding the non-Arabs." Compare Lecker, "Kinda on the Eve of Islam and during the *ridda*," *Journal of the Royal Asiatic Society* (1994): 346: the royal family of the Kinda, namely the Walīʿah, made al-Ashʿath b. Qays their king and crowned him (*mallakū-hu ʿalay-him wa-tawwajū-hu*); in a verse he was referred to as *al-muʿaṣṣab bi-al-tāj*, "one whose head was encircled with a crown." For this expression in another verse see ʿAthamina, "The Tribal Kings," 21. On turbans see also Ṣāliḥ Aḥmad al-ʿAlī, "al-Albisah al-ʿarabīyah fī al-qarn al-awwal al-hijrī, dirāsah awwalīyah," *Majallat al-majmaʿ al-ʿilmī al-ʿirāqī* 13 (1966): 422–24. On the *qalansuwah* (mentioned later in the present study) see, Ṣāliḥ, "al-Albisah al-ʿarabīyah," 424–25.

Aḥmad b. Abī Yaʿqūb al-Yaʿqūbī, *Taʾrīkh* (Beirut: Dār ṣādir—Dār Bayrūt, 1379/1960), 2:123, with reference to Saqīfat Banī Sāʿidah, reports that the Anṣār actually appointed Saʿd b. ʿUbādah as the Prophet's heir: *wa-ʿaṣṣabathu bi-ʿiṣābah*, literally: "they bound a turban around his head," which is the equivalent of "they crowned him." ʿAthamina, "The Tribal Kings," 23 n. 15, argues that Balādhurī misunderstood the expression used by al-Yaʿqūbī since the former arrived at the conclusion that Saʿd was suffering from a fever at that time. ʿAthamina refers to the words *wa-ʿalay-hi al-ḥummā* [read: *wa-ʿalay-hi atharu al-ḥummā?*—M.L.] in al-Balādhurī, *Ansāb al-ashrāf*, 1:581 (< Zuhrī). But even if we assume that al-Balādhurī quoted from his contemporary al-Yaʿqūbī—which is not at all certain—it is unlikely that he did not understand the said expression and that his mention of Saʿd's fever is a misinterpretation of it. The report on Saʿd's illness is widespread in Islamic historiography and is not linked to the expression used by al-Yaʿqūbī. See, for example, Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 30:282 and 285; Ibn Abī Shaybah,

The reports quoted so far, although they are found in a history of Medina (quoting earlier histories of this town) and not in a biography of Muḥammad, are in fact *sīrah* materials *par excellence*, and the same is true of the other materials quoted below. We shall only concern ourselves here with the reported intention to invest Ibn Ubayy with kingship.

Mūsā b. ʿUqbah (< Zuhrī[74] < ʿUrwah b. al-Zubayr) places the first encounter with Ibn Ubayy even before the Prophet's arrival at Qubāʾ. The Prophet waited at the entrance to Ibn Ubayy's house to be ushered in, but was rudely sent to those who had invited him; Ibn Ubayy was reportedly "the chief of the Khazraj."[75] However, although this report comes from Qurashī authorities, Saʿd b. ʿUbādah's pacifying words are quite similar: ". . . We wanted to tie around Ibn Ubayy's head a crown and make him our king" (*aradnā an naʿqida ʿalā raʾs Ibn Ubayy al-tāj wa-numallika-hu ʿalay-nā*).[76] A variant of Ibn Isḥāq (< Zuhrī < ʿUrwah b. al-Zubayr < Usāmah b. Zayd) grants a role in this affair to the alleged source of the report, namely Usāmah b. Zayd. The circumstances here are different. The Prophet was riding on a donkey to visit the ailing Saʿd b. ʿUbādah with young Usāmah behind him. Ibn Ubayy was at the foot of the Muzāḥim fortress surrounded by people from his tribe. Having listened to the Prophet's reading from the Qurʾān and to his preaching, Ibn Ubayy advised him to preach at home to those who were interested in it and stop burdening the others. Saʿd asked the Prophet to have mercy on Ibn Ubayy, because "we were stringing for him gems in order to crown him (*wa-innā la-nanẓimu lahu al-kharaz li-nutawwija-hu*), hence,

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Muṣannaf, edited by ʿAbd al-Khāliq al-Afghānī (Bombay: al-Dār al-salafīyah, 1399/1979–1403/1983), 14:565–66; also, with more detail, al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, 1:1837 (< Ibn al-Kalbī < Abū Mikhnaf < ʿAbd Allāh b. ʿAbd al-Raḥmān b. Abī ʿAmrah). Also M. Muranyi, "Ein neuer Bericht über die Wahl des ersten Kalifen Abū Bakr," *Arabica* 25 (1978): 239 and 245.

[74] *Wa-zaʿama Ibn Shihāb.*

[75] *Sayyid al-Khazraj fī anfusi-hā*; read perhaps: *fī jāhilīyati-hā*. Compare Abū al-Faraj b. al-Jawzī, *al-Muntaẓam fī taʾrīkh al-mulūk wa-al-umam*, edited by Muḥammad ʿAbd al-Qādir ʿAṭā and Muṣṭafā ʿAbd al-Qādir ʿAṭā (Beirut: Dār al-kutub al-ʿilmīyah, 1412/1992), 3:377: *kāna . . . sayyid al-Khazraj fī jāhilīyati-him*; Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 3:540: *wa-kāna . . . sayyid al-Khazraj fī ākhir jāhilīyati-him . . . wa-qad jamaʿa qawm ʿAbd Allāh b. Ubayy* [that is, the Khazraj] *la-hu kharazan li-yutawwijū-hu.*

[76] Aḥmad b. al-Ḥusayn al-Bayhaqī, *Dalāʾil al-nubūwah*, edited by ʿAbd al-Muʿṭī Qalʿajī (Beirut: Dār al-kutub al-ʿilmīyah, 1405/1985) 2:499–500. Compare ʿAbd al-Jabbār, *Tathbīt dalāʾil al-nubūwah*, 2:459, who reports that Saʿd b. ʿUbādah used to tell the Prophet: *iṣbir ʿalay-hi yā rasūl Allāh wa-iḥtamil-hu fa-wa-Allāhi la-qad naẓamnā la-hu kharazāt tāji-hi li-nusawwida-hu ḥattā jāʾanā Allāh bi-ka.*

by God, he thinks that you robbed him of a kingship."[77] Elsewhere, in a report probably going back to Wāqidī, we hear of the collection of gems for Ibn Ubayy by his tribe (*qawm*), i.e., the Khazraj (*wa-kāna . . . sayyid al-Khazraj fī ākhir jāhilīyati-him . . . wa-qad jamaʿa qawm ʿAbd Allāh b. Ubayy la-hu kharazan li-yutawwijū-hu*).[78]

Zuhrī who was quoted above twice was among the teachers of both Mūsā b. ʿUqbah and Ibn Isḥāq. Another teacher of Ibn Isḥāq was ʿĀṣim b. ʿUmar b. Qatādah (Aws) who ascribed to Ibn Ubayy even greater authority:

> When the Messenger of God came to Medina, the chief of its people was ʿAbd Allāh. . . . Nobody in his tribe disputed his nobility [or, nobody disputed his status of nobility among his fellow tribesmen]. Never before nor after him prior to the advent of Islam did the Aws and Khazraj unite under another man from one of the two parties. . . . His people strung for him gems in order to crown him and then make him their king. But God, may He be exalted, brought them his Messenger while they were in this state. When his people turned away from him to become Muslims, he became affected with rancor and thought that the Messenger of God had robbed him of a kingship. And when he saw his people accepting nothing but Islam, he entered it against his will, insisting on hypocrisy and rancor.[79]

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77 Ibn Hishām, *al-Sīrah al-nabawīyah*, 2:236–38 (1:412–13). On Usāmah see V. Vacca, "Usāma b. Zayd," in *The Encyclopaedia of Islam* (1954–), 10:913. The variant of this report (. . . < Zuhrī < ʿUrwah < Usāmah) in Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 60:437–38, has that the event took place before the Battle of Badr and places Ibn Ubayy in a *majlis* among Jews and idol worshippers; see also Ibn Manẓūr, *Mukhtaṣar taʾrīkh Dimashq*, 25:291. According to this source, Saʿd told the Prophet that the people of this *buḥayrah* (above, page 50, n. 72) had agreed to crown Ibn Ubayy and bind a turban around his head (*wa-qad iṣṭalaḥa ahl hādhihi al-buḥayrah ʿalā an yutawwijū-hu wa-yuʿaṣṣibū-hu bi-al-ʿiṣābah*). ʿAthamina, "The Tribal Kings," 23, n. 15, with reference to Abū Zayd ʿUmar b. Shabbah, *Taʾrīkh al-Madīnah al-munawwarah*, edited by Fahīm Muḥammad Shaltūt (Beirut: Dār al-turāth—al-Dār al-islāmīyah, 1410/1990), 1:356–57, has *fa-yaʿṣibū-hu*; but *fa-yuʿaṣṣibū-hu* is the correct reading. This is the vocalization in Ibn Manẓūr, *Lisān al-ʿarab*, 1:606b, s.v. *ʿ.ṣ.b.*, and in Abū ʿAbd Allāh Muḥammad b. Ismāʿīl al-Bukhārī, *Ṣaḥīḥ* (1378/1955; reprint Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, n.d.), 6:50, both of which are quoted by ʿAthamina. See also the words ascribed to Ibn Ubayy's son in al-Wāqidī, *Kitāb al-maghāzī*, 2:421: *inna abī kānat hādhihi al-baḥrah qad ittasaqū* [*sic*] *ʿalay-hi li-yutawwijū-hu ʿalay-him, fa-jāʾa Allāh bi-ka fa-waḍaʿa-hu Allāh wa-rafaʿa-nā bi-ka.*

78 Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 3:540 (in the entry on Ibn Ubayy's son, ʿAbd Allāh). Also al-Ḥasan b. Aḥmad al-Hamdānī, *Kitāb qaṣīdat al-dāmighah*, edited by Muḥammad b. ʿAlī al-Akwaʿ al-Ḥiwālī (Cairo: Maṭbaʿat al-Sunnah al-Muḥammadīyah, [1384/1964]), 524: Ibn Ubayy is called (in a verse) *raʾs al-Khazraīnā*.

79 Ibn Hishām, *al-Sīrah al-nabawīyah*, 2:234–35 (1:411): *wa-qadima rasūl Allāh . . . al-Madīnah . . . wa-sayyid ahli-hā ʿAbd Allāh . . ., lā yakhtalifu ʿalay-hi fī sharafi-hi min qawmi-hi* [al-Samhūdī, *Wafāʾ al-wafā*, 1:219: *lā yakhtalifu fī sharafi-hi fī qawmi-hi*; this is a better

ʿAbd al-Jabbār includes the Jews in his analysis: they attempted to turn the Aws and Khazraj away from the Prophet (i.e., before the *hijrah*) and favored Ibn Ubayy; the Aws and Khazraj were about to declare him king until Islam came and what they had decided to do crumbled.[80]

A report found in Wāqidī refers to Ibn Ubayy's near-crowning in another context altogether. Upon the return from the expedition of al-Muraysīʿ (5 A.H.), Ibn Ubayy threatened to oust the Prophet and his Companions from Medina. This time it was Usayd b. al-Ḥuḍayr who came to Ibn Ubayy's rescue and pleaded the Prophet to have pity on him:[81]

> Messenger of God, be lenient towards him, for by God, God brought you while his people [that is, the Khazraj] were stringing gems for him. The only gem that they still had to receive was with Yūshaʿ the Jew who was niggardly with regard to it and prevented them from having it, because he knew how much they needed it in order to crown him. God brought you in these circumstances, and hence he [that is, Ibn Ubayy] cannot help believing that you robbed him of his kingship.[82]

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reading; compare above, page 30, n. 3] *ithnāni, lam tajtamiʿ al-Aws wa-al-Khazraj qabla-hu wa-lā baʿda-hu ʿalā rajul min aḥad al-farīqayni ḥattā jāʾa al-islām ghayri-hi. . . . Fa-kāna qawmu-hu qad naẓamū la-hu al-kharaz li-yutawwijū-hu thumma yumallikū-hu ʿalay-him, fa-jāʾa-hum Allāh taʿālā bi-rasūli-hi ṣ wa-hum ʿalā dhālika. Fa-lammā inṣarafa qawmu-hu ʿan-hu ilā al-islām ḍaghina wa-raʾā anna rasūl Allāh qad istalaba-hu mulkan. Fa-lammā raʾā qawma-hu qad abaw illā al-islām dakhala fī-hi kārihan muṣirran ʿalā nifāq wa-ḍighn.*

[80] ʿAbd al-Jabbār, *Tathbīt dalāʾil al-nubūwah*, 2:411: *fa-mashaw fī al-Aws wa-al-Khazraj fī al-ṣadd ʿan-hu* [that is, Muḥammad] *wa-mālū ilā ʿAbd Allāh ibn Ubayy* [add b.] *Salūl, wa-kāna al-Aws wa-al-Khazraj ʿalā an yumallikū-hu ʿalay-him ilā an jāʾa al-islām fa-intaqaḍa mā ʿazamū ʿalay-hi.*

[81] It is doubtful that Ibn Ubayy needed this intercession since he was still a powerful tribal leader.

[82] Al-Wāqidī, *Kitāb al-maghāzī*, 2:419: *yā rasūl Allāh urfuq bi-hi, fa-wa-Allāhi la-qad jāʾa Allāh bi-ka wa-inna qawma-hu la-yanẓimūna la-hu al-kharaz, mā baqiyat ʿalay-him illā kharazah wāḥidah ʿinda Yūshaʿ al-yahūdī qad ariba bi-him fī-hā* [compare E.W. Lane, *An Arabic-English Lexicon* (Cambridge: The Islamic Texts Society, 1984), 1:44c: *ariba bi-al-shayʾ*, "he was, or became, niggardly, avaricious, or tenacious, of the thing"] *li-maʿrifati-hi bi-ḥājati-him ilay-hā li-yutawwijū-hu, fa-jāʾa Allāh bi-ka ʿalā hādhā al-ḥadīth, fa-mā yarā illā qad salabta-hu mulka-hu.* See also Nūr al-Dīn al-Ḥalabī, *Insān al-ʿuyūn*, 2:288. The parallel text in Ibn Hishām, *al-Sīrah al-nabawīyah*, 3:304 (2:727), does not mention Yūshaʿ at all. ʿAthamina, "The Tribal Kings," 28, observes about the pearls used in a *tāj*: "The difficulty involved in obtaining them and the effort involved in purchasing them may well have been what forestalled the initiative to crown ʿAbdullāh b. Ubayy, as one may understand from the tradition of al-Wāqidī." ʿAthamina refers here to Abū ʿUbaydah's supposed Shuʿūbī tendencies, on which see now Lecker, "Biographical Notes on Abū ʿUbayda Maʿmar b. al-Muthannā," *Studia Islamica* 81 (1995): 71–72.

The early Qur'ān commentator al-Suddī[83] records in this context a threat of the *munāfiqūn* after the above mentioned expedition to crown Ibn Ubayy upon their return to Medina; he adds that they did not accomplish this.[84]

Who was the mysterious Yūshaʿ? Usayd b. al-Ḥuḍayr's tribal affiliation—he was of the ʿAbd al-Ashhal—could serve as a clue. Among the ʿAbd al-Ashhal there was a Jewish client (*jār*) called Yūshaʿ who reportedly announced the imminent appearance of Muḥammad but failed to believe in him after his actual arrival, claiming that he was not the anticipated one.[85] An apologetic report stresses that among the ʿAbd al-Ashhal there was only one Jew, namely Yūshaʿ.[86] Another report on the same theme goes back to Mālik b. Sinān al-Khudrī (Khazraj):[87] in the court of the ʿAbd al-Ashhal Mālik met a Jew called Yūshaʿ who foretold Muḥammad's appearance.[88] Perhaps the remark on Yūshaʿ's withholding of the gem is sarcastic; he could have been a jeweler who was late in carrying out the important assignment.[89] Yūshaʿ is listed among the Jewish dignitaries (*ʿuẓamā' yahūd*) with a comment that he prophesied the appearance of the Prophet but failed to believe in him, unlike the rest of the ʿAbd al-Ashhal.[90] However, being a client he hardly qualified as a dignitary. In any case, we cannot be sure that Yūshaʿ of the ʿAbd al-Ashhal

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[83] On whom see G.H.A. Juynboll, "al-Suddī," in *The Encyclopaedia of Islam* (1954–), 9:762.

[84] ʿAlā' al-Dīn ʿAlī b. Muḥammad al-Baghdādī al-Khāzin, *Lubāb al-ta'wīl fī maʿānī al-tanzīl* (Beirut: Dār al-fikr, n.d.), 3:101, interpretation of Qur'ān 9:74: *qāla al-munāfiqūna: idhā rajaʿnā ilā al-Madīnah ʿaqadnā ʿalā ra's ʿAbd Allāh b. Ubayy b. Salūl tājan fa-lam yaṣilū ilay-hi.* The wording in al-Suyūṭī, *al-Durr*, 3:260, is somewhat different: *arādū an yutawwijū ʿAbd Allāh b. Ubayy wa-in lam yarḍa Muḥammad ṣ.*

[85] Abū Nuʿaym al-Iṣfahānī, *Dalā'il al-nubūwah*, 74–75 no. 34. The source of the report is Salamah b. Salāmah of the ʿAbd al-Ashhal, more precisely of the Zaʿūrā'; Lecker, "Muḥammad at Medina," 45.

[86] Ibn Kathīr, *al-Bidāyah wa-al-nihāyah fī al-ta'rīkh* (Beirut: Maktabat al-maʿārif, 1974), 2:309 (quoting Abū Nuʿaym al-Iṣfahānī, *Dalā'il al-nubūwah*): *lam yakun fī banī ʿAbd al-Ashhal illā yahūdī wāḥid yuqālu la-hu Yūshaʿ.*

[87] The father of Abū Saʿīd al-Khudrī who transmits this report from him.

[88] Abū Nuʿaym al-Iṣfahānī, *Dalā'il al-nubūwah*, 79 no. 40. Compare S. Bashear, "Riding Beasts on Divine Missions: An Examination of the Ass and Camel Traditions," *Journal of Semitic Studies* 36 (1991): 48.

[89] Compare M. Hamidullah, *Le prophète de l'Islam* (Paris: J. Vrin, 1378/1959), 1:120–21: "Avant l'Hégire, les Khazrajites avaient décidé d'élire un roi, et, en effet, les artisans médinois avaient reçu la commande d'une couronne que devait porter ʿAbdallâh ibn Ubaiy ibn Salûl, lorsque le Prophète se rendit a Médine."

[90] Al-Balādhurī, *Ansāb al-ashrāf*, 1:286.

is our Yūshaʿ because the name Yūshaʿ (Joshua, Yehōshūʿa) was not uncommon among the Jews of Arabia.[91]

There are contradictory reports regarding those who were behind Ibn Ubayy's intended crowning. Several reports quoted above point at the Khazraj.[92] But as we have just seen, ʿĀṣim b. ʿUmar claimed that "never before nor after him prior to the advent of Islam did the Aws and Khazraj unite under a man from one of the two parties." It is also reported that the Aws and Khazraj unanimously agreed to make him their king (*ajmaʿū ʿalā an yumallikū-hu ʿalay-him*).[93]

The contradictory claims about the extent of Ibn Ubayy's authority should be discussed in conjunction with similar contradictory claims about a tribal leader who lived several generations before him, namely Mālik b. al-ʿAjlān. While some claimed that he was the chief (*sayyid*) of the Khazraj at his time,[94] others argued that he was the *sayyid* of both the Aws and Khazraj.[95] It is noteworthy that Ibn Ubayy and Mālik b. al-ʿAjlān were both from the ʿAwf b. al-Khazraj, albeit from different subdivisions: Mālik was of the Sālim/Qawāqil(ah), while Ibn Ubayy was of the Ḥublā.[96] The ʿAwf were arguably the strongest or most prestigious group in pre-Islamic Medina; the Banū ʿAwf and the Yahūd Banī ʿAwf appear at the beginning of the respective lists of Arab and Jewish groups in the so-called "Constitution of Medina."[97]

Moreover, both Ibn Ubayy and Mālik were related to prominent families of the Aws, more precisely of the ʿAmr b. ʿAwf. Ibn Ubayy was

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[91] For a Jewish warrior in Khaybar called Yūshaʿ see al-Wāqidī, *Kitāb al-maghāzī*, 2:659; J. Horovitz, *Koranische Untersuchungen* (Berlin and Leipzig: Walter de Gruyter, 1926), 165, who adds that Yūshaʿ b. Nūn is mentioned in al-Balādhurī, *Futūḥ*. edited by M.J. de Goeje (Leiden: Brill, 1863–66), 29, as the chief of the Jews of Fadak. Nūn b. Yūshaʿ mentioned in Wāqidī, *Kitāb al-maghāzī*, 2:706, was probably the same person.

[92] Also a Companion dictionary ascribes the intention to crown him (in an entry on Ibn Ubayy's son) to the Khazraj; Ibn ʿAbd al-Barr, *al-Istīʿāb fī maʿrifat al-aṣḥāb*, edited by ʿAlī Muḥammad al-Bijāwī (Cairo: Maktabat nahḍat Miṣr, n.d.), 3:940–41 no. 1590, s.v. ʿAbd Allāh b. ʿAbd Allāh b. Ubayy: *wa-kāna abū-hu . . . min ashrāf al-Khazraj wa-kānat al-Khazraj qad ijtamaʿat ʿalā an yutawwijū-hu wa-yusnidū amra-hum ilay-hi. . . .*

[93] Ibn Kathīr, *al-Bidāyah*, 3:239, 5. See also above, pages 49 and 51.

[94] Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 3:549.

[95] Ḥassān b. Thābit, *Dīwān*, 2:36: *wa-kāna Mālik sayyid al-ḥayyayni fī zamāni-hi la-hu fī qawmi-hi sharaf lam yakun li-ghayri-hi mithlu-hu*. In al-Samhūdī, *Wafāʾ al-wafā*, 1:178, it is reported regarding Mālik: *wa-sawwada-hu al-ḥayyāni al-Aws wa-al-Khazraj*. See also Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 2:176 (3:40).

[96] Compare Hasson, "Contributions à l'étude des Aws et des Ḫazraǧ," 22.

[97] Lecker, *The Constitution of Medina*, forthcoming.

the maternal cousin (*ibn khālah*) of Abū ʿĀmir al-Rāhib, the leader of the ʿAmr b. ʿAwf.[98] In addition, Ibn Ubayy's daughter was married to Abū ʿĀmir's son, Ḥanẓalah, who was killed in the Battle of Uḥud;[99] in other words, they were married before the *hijrah* or shortly after it.[100] As to Mālik b. al-ʿAjlān, he was the maternal cousin of Uḥayḥah b. al-Julāḥ.[101]

However, the family relations that Ibn Ubayy and Mālik had with prominent families from the Aws should not lead to the conclusion that they also had authority over the Aws. There is no indication that their rise to power was supported by a foreign power, i.e., the Sasanians or the kings of al-Ḥīrah, and therefore they should be defined as the tribal kings of the Khazraj. It follows that the claim that they also had authority over the Aws should be ascribed to Khazrajī self-glorification. It is true that with regard to Ibn Ubayy this is also stated by an Awsī source, namely ʿĀṣim b. ʿUmar; but his informant must have been a Khazrajī. One could argue that the leadership of the Khazraj who were stronger than the Aws automatically made Ibn Ubayy and Mālik the strongest Arab leaders in Medina in their respective times; but this is not the same as claiming that they had formal authority over both the Aws and Khazraj.

That Ibn Ubayy's power was not invented by the storytellers—or for this matter by anyone else—is shown by the fact that his position among his followers was not completely eroded by the Prophet's activity. Far from it. Regarding the expedition of Tabūk (9/630) it is reported that before leaving Medina, the Muslim army included two camps. The Prophet's camp was located on Thanīyat al-Wadāʿ and Ibn Ubayy's camp was below it, towards Dhubāb. With obvious unease Ibn Isḥāq reports that Ibn Ubayy's camp was larger than the Prophet's. When the Prophet set out, Ibn Ubayy remained behind together with other *munāfiqūn* and "people of doubt."[102] So towards

[98] Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 3:540.

[99] Lecker, *Muslims, Jews and Pagans*, 110–11.

[100] Their son, ʿAbd Allāh b. Ḥanẓalah, was himself married to a granddaughter of Abū ʿĀmir, Asmāʾ bint Abī Ṣayfī b. Abī ʿĀmir. He was also married to Umm Kulthūm bint Waḥwaḥ b. al-Aslat whose father was the nephew of the Aws Allāh leader, Abū Qays b. al-Aslat; Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 5:65. Obviously, intermarriages between leading families of the Aws and Khazraj took place both before and after the *hijrah*.

[101] Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 3:549. On Uḥayḥah compare Lecker, *Muslims, Jews and Pagans*, Index.

[102] Ibn Hishām, *al-Sīrah al-nabawīyah*, 4:162 (2:896–97): *wa-kāna fī-mā yazʿumūna laysa bi-aqall al-ʿaskarayni*. Ibn Ubayy was leading his allies who included Jews and

the end of the Prophet's Medinan period Ibn Ubayy could still command more troops than the Prophet. He is unlikely to have amassed such power under Muḥammad; rather, one assumes that his power basis was to some extent eroded due to the gradual conversion to Islam of his fellow tribesmen.

IV. *The Diadem*

Comparative evidence on Arabian crowns exists for the tribes of Quraysh, Tamīm and Ḥanīfah. Let us start with Quraysh:

> Quraysh . . . made for him [al-Walīd b. al-Mughīrah al-Makhzūmī, Khālid b. al-Walīd's father] a crown (*tāj*) in order to crown him with it. Then Islam came and his affair was shattered. Beforehand he was called "the sweet-smelling man of Quraysh."[103]

In the 6th century Medina was still under Sasanian control,[104] and hence the crowns associated with the Tamīm and Ḥanīfah are more relevant for us here since they reflect Sasanian practice.

Sasanian trade interests were behind the supposed crowning of Ḥājib b. Zurārah al-Tamīmī. He was crowned by Khusro after having escorted the Emperor's caravan heading to the market of ʿUkāẓ. The crown, which was made of jewels set in order, was a token of gratitude and not an emblem of kingship.[105]

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munāfiqūn; Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 2:165, 5: *wa-kāna . . . qad ʿaskara ʿalā Thanīyat al-Wadāʿ* [*sic*, not towards Dhubāb] *fī ḥulafāʾi-hi min al-yahūd wa-al-munāfiqīna, fa-kāna yuqālu: laysa ʿaskaru-hu bi-aqall al-ʿaskarayni.*

103 Al-ʿAskarī, *al-Awāʾil*, 1:57: *wa-kānū ʿamilū la-hu tājan li-yutawwijū-hu bi-hi fa-jāʾa al-islām fa-intaqaḍa amru-hu, wa-kāna min qablu yusammā rayḥānat Quraysh.* Compare M. Hinds, "Makhzūm," in *The Encyclopaedia of Islam* (1954–), 6:137–140. "[W]hen Hishām [b. al-Mughīrah] died, the Meccans were called on to witness the funeral of their lord (*rabb*. . . .); and it is reported that Quraysh used a dating system in which Hishām's death was taken as the starting point." Hinds refers to another report stating "less credibly, that the death of [Hishām's brother] al-Walīd b. al-Mughīra was taken as the starting point." The account in question is from Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 15:11 (16:194): it is reported on the authority of Ibn Daʾb (on whom see Yāqūt al-Ḥamawī, *Muʿjam al-udabāʾ*, edited by Iḥsān ʿAbbās (Beirut: Dār al-gharb al-islāmī, 1993), 5:2144–50 no. 885) that Quraysh used al-Walīd's death as a starting point until the Year of the Elephant. *Rayḥānat Quraysh* should probably be linked to *rayḥānat al-Yaman*, a sobriquet given to the kings of Kindah; according to Abū ʿUbaydah they were not real kings but merely *dhawū amwāl* or "owners of estates," the only real kings of the Yemen being the Tubbaʿs from Ḥimyar; Ibn Shabbah, *Taʾrīkh al-Madīnah*, 2:545. Compare Lecker, "Kinda on the Eve of Islam," 337.

104 Lecker, "The Levying of Taxes."

105 This is a variant of the famous *qaws Ḥājib* motive (Lecker, "Tamīm," in *The Encyclopaedia of Islam* [1954–], 10:173). See Kister, "Ḥādjib b. Zurāra," in *The Encyclopaedia*

In the context of the Prophet's preaching before the *hijrah* at various markets in the vicinity of Mecca it is reported that Hawdhah b. ʿAlī's tribe (i.e., the Ḥanīfah of Yamāmah) crowned him and made him king. The Christian Hawdhah was informed of Muḥammad's preaching by a fellow Ḥanafī, but although Hawdhah foretold the future victories of Muḥammad, he did not follow him, which he later regretted: "Had we followed him, it would have been good for us, but we are niggardly with regard to our kingship." The report goes on to explain: "His people had crowned him and made him king".[106] But elsewhere Hawdhah's crowning is linked to the Sasanian trade in Arabia. Hawdhah was called *Dhū al-tāj* but he was not really crowned; Khusro merely prepared gems for him when he protected the survivors from an attack on the Emperor's caravan by the Yarbūʿ of Tamīm.[107]

An association between a *tāj* or crown and the Sasanian sphere of influence is also suggested by al-Yaʿqūbī's division of those who rebelled after the Prophet's death into three categories: some pretended to be prophets, some apostatized and put crowns on their heads (*wa-waḍaʿū al-tījān ʿalā ruʾūsi-him*), and some refrained from paying taxes to caliph Abū Bakr. The middle category includes two potentates of former Sasanian colonies, namely al-Nuʾmān b. al-Mundhir b. Sāwā al-Tamīmī of Baḥrayn and Laqīṭ b. Mālik *Dhū al-tāj* of ʿUmān.[108]

Abū ʿUbaydah's commentary on ʿĀṣim b. ʿUmar b. Qatādah's passage concerning the crowning of Ibn Ubayy (above, 52) reveals a dispute between Southern and Northern Arabs concerning pre-Islamic kingship; in the early Abbasid period (and probably later as well) the question of pre-Islamic kingship was still a matter of intertribal debate:

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of Islam (1954–), 3:49, with reference to Abū Tammām, *Dīwān*, edited by Muḥammad ʿAbduh ʿAzzām (Cairo: Dār al-maʿārif, 1951–65), 1:217n: *wa-qīla inna-hu* [that is, Ḥājib] *innamā rahana qawsa-hu ʿinda kisrā lammā qabila hādhā an yubligha laṭāʾima-hu ilā sūq ʿUkāẓ, fa-irtahana* [that is, Ḥājib] *kisrā qawsa-hu ḥattā atā bi-al-ʿīr sālima ilā kisrā, fa-qāla kisrā: lā adrī ayyu-nā aḥsan, anā ḥaythu raḍītu min Ḥājib bi-qaws lā yusāwī ʿasharat darā-him, am Ḥājib ḥaythu ajāza lī ʿīran qīmatu-hā kadhā wa-kadhā. Thumma amara bi-tāj fa-ṣuniʿa la-hu munaẓẓaman bi-al-jawāhir fa-waḍaʿa-hu ʿalā raʾsi-hi.*

[106] *Wa-law annā tabiʿnā-hu kāna khayran la-nā, wa-lakinnā naḍinnu bi-mulkinā. Wa-kāna qawmu-hu tawwajū-hu wa-mallakū-hu*; Muḥammad b. ʿAbd al-Munʿim al-Ḥimyarī, *al-Rawḍ al-miʿṭār fī khabar al-aqṭār*, edited by Iḥsān ʿAbbās (Beirut: Maktabat Lubnān, 1975), 411–12 s.v. ʿUkāẓ (quoting al-Wāqidī, who in turn quotes a Ḥanafī source).

[107] Majd al-Dīn b. al-Athīr, *al-Muraṣṣaʿ*, edited by Ibrāhīm al-Sāmarrāʾī (Beirut: Dār al-jīl—Amman: Dār ʿammār, 1411/1991), 89: . . . *wa-lam yutawwaj wa-innamā ṣanaʿa la-hu kisrā kharazāt ḥīna khaf/ffara man salima min aṣḥābi-hi lammā akhadhat banū Yarbūʿ laṭīmata-hu.*

[108] Al-Yaʿqūbī, *Taʾrīkh*, 2:128 and 131.

He [that is, ʿĀṣim] mentioned that the Anṣār[109] strung gems for ʿAbd Allāh b. Ubayy in order to crown him and make him their king. [Abū ʿUbaydah:] "This was because the Anṣār are Yemenites. The crowned kings were from the Yemen and descended from Qaḥṭān. The first of them to be crowned was Sabaʾ b. Yashjub b. Yaʿrub b. Qaḥṭān. No Arab was ever crowned unless he was a Qaḥṭānī". This is what Abū ʿUbaydah said. It was said to him: "Hawdhah b. ʿAlī of the Ḥanīfah [a Northern tribe], the ruler of Yamāmah, was crowned, and [the poet] al-Aʿshā said about him:

"Whoever sees Hawdhah prostrates himself [to him] without being ashamed, whether he [that is, Hawdhah] binds a turban above the crown or puts it [that is, the turban] down."

And regarding the gems (*al-kharazāt*) in the sense of a crown, one poet [that is, Labīd b. Rabīʿah] said:

"He guarded the gems of kingship for twenty years, and then twenty more years, until he died wrapped in white hair."[110]

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[109] An anachronism; he means the would-be Anṣār.

[110] The verse by Labīd b. Rabīʿah is said to refer to al-Ḥārith b. Abī Shamir al-Ghassānī. Ibn Manẓūr, *Lisān al-ʿarab*, 3:340, s.v. *f.w.d.*, who quotes this verse, remarks that with every passing year the king would add a gem (*kharazah*) to his crown; the poet meant that the king was blessed with longevity and hence his crown included many gems. The version of the verse found in the *Lisān al-ʿarab* has *sittīna ḥijjatan* instead of *ʿishrīna ḥijjatan*. Another interpretation of Labīd's verse associates the gems with the last king of al-Ḥīrah, al-Nuʿmān b. al-Mundhir: when his gems numbered forty (i.e., when al-Nuʿmān completed forty years on his throne), Khusro Parwez executed him; Abū Manṣūr al-Thaʿālibī, *Thimār al-qulūb fī al-muḍāf wa-al-mansūb*, edited by Abū al-Faḍl Ibrāhīm (Cairo: Dār nahḍat Miṣr, 1384/1965), 183–84, s.v. *kharazāt al-mulk*. Compare, *Sharḥ Dīwān Labīd b. Rabīʿa al-ʿĀmirī*, edited by Iḥsān ʿAbbās (Kuwait: Wizārat al-irshād wa-al-anbāʾ, 1962), 266. Elsewhere Abū ʿUbaydah adds a new element to the interpretation of Labīd's verse (*raʿā . . .*), namely a necklace: with every passing year a bead (*kharazah*) was added to his crown or necklace (*qilādah*) by which the number of his years on the throne would be known; Ibn Sīdah, *Kitāb al-mukhaṣṣaṣ* (Būlāq: al-Maṭbaʿah al-kubrā al-amīrīyah, 1316–21 A.H.), 3:137. Also al-Bīrūnī, *al-Jamāhir fī maʿrifat al-jawāhir* (Hyderabad: Dāʾirat al-maʿārif al-ʿUthmānīyah, 1355), 155, mentions that each *kharazah* of the *kharazāt al-mulk* was added at the end of the year to the crowns and necklaces of the kings; this practice was repeated with every new king (*wa-tuʿād li-kull qāʾim baʿda al-māḍī*). The beads of the Sasanian emperors were excellent pearls, pleasing to the eye (*wa-kānat hādhihi al-kharazāt li-al-akāsirah durar fāʾiqah wa-li-al-ʿuyūn rāʾiqah*). See also *Naqāʾiḍ Jarīr wa-al-Farazdaq*, edited by A.A. Bevan (Beirut: Dār al-kitāb al-ʿarabī, n.d.), 1:237 (*ʿāqid kharazāt mulk* in Farazdaq's verse means *malik ʿalay-hi tāj, wa-kānat al-mulūk taʿqidu fī tījāni-hā min al-kharaz ʿadad sinī mamlakati-hā, fa-kullamā zādat sanah zādū kharazah*); 1:438 (Jarīr: *wa-dhī tājin la-hu kharazātu mulkin / salabnā-hu al-surādiqa wa-al-ḥijābā*); 2:712 (Farazdaq: *tarā kharazāt al-mulk fawqa jabīni-hi . . .*). In the Glossary, 3:351, *kharazāt* is rendered "shells worn by kings in their crowns." Compare above, page 49. Elsewhere the practice of adding a gem to the crown annually is said to belong to the kings of the Arabs: *wa-kāna malik al-ʿarab kullamā marrat ʿalay-hi sanah min sinī mulki-hi zīdat fī tāji-hi kharazah wa-kāna yuqālu la-hā kharazāt al-mulk*; Muḥammad b. Aḥmad al-Ibshīhī, *al-Mustaṭraf fī kull fann mustaẓraf* (Beirut: Dār al-fikr, n.d.), 2:28. Al-Nuʿmān b. al-Mundhir walked around incognito in Ẓahr al-Kūfa and when he

Abū ʿUbaydah said: "It was not a crown (*tāj*) but merely gems strung together;[111] and the reason for Hawdhah's crowning was that he guaranteed the security (*ajāra*)[112] of a caravan carrying perfume (*laṭīmah*)[113] which belonged to Khusro, [that is to say,] he defended it from the bedouin who desired it. So when he [that is, Hawdhah] came to pay him [that is, Khusro] a formal visit, he crowned him because of this and made him king".[114]

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wanted to disclose his identity, he only had to reveal his face and the *kharazāt al-mulk* (which, one assumes, were on his forehead); Ibn Ḥamdūn, *al-Tadhkirah al-ḥamdūnīyah*, edited by Iḥsān ʿAbbās and Bakr ʿAbbās (Beirut: Dār ṣādir, 1996), 3:81.

[111] According to ʿAthamina, "The Tribal Kings," 27, Abū ʿUbaydah describes Hawdhah's crown "as nothing more than a few primitive beades." But while *kharaz* are gems, or similar stones, both good and bad (Lane, *An Arabic-English Lexicon*, 1: 721), in this specific context one expects *kharazāt* to mean precious stones.

[112] Read: *ajāza*, or "made it pass through"? See above, page 57, n. 105, and below page 62, n. 119 and n. 120. Compare the verb *jawwaza* in the story of Hāshim b. ʿAbd Manāf and the *ʾīlāf: fa-kharajū bi-tijārah ʿaẓīmah wa-kharaja Hāshim yujawwizu-hum wa-yūfī-him ʾīlāfa-hum alladhī akhadha la-hum min al-ʿarab*; Muḥammad b. Ḥabīb al-Baghdādī, *Kitāb al-munammaq fī akhbār Quraysh*, edited by Khūrshīd Aḥmad Fāriq (Hyderabad: Dāʾirat al-maʿārif al-ʿUthmānīyah, 1384/1964), 33; quoted in Serjeant, "Meccan Trade," 479, who translates: "Hāshim went forth escorting them and fully exercising for them the *ʾīlāf*-pacts he had received on their behalf from the Arabs." *Yujawwizu-hum*, literally, "making them to pass"; Serjeant, "Meccan Trade," 479 n. 26. Compare Kister, "Mecca and Tamīm (Aspects of Their Tribal Relations)," *Journal of the Economic and Social History of the Orient* 8 (1965): 117: "Hāshim himself went out with the merchants of Mecca in order to carry out the provisions of the treaties concluded with the tribes."

[113] *Wörterbuch der klassischen arabischen Sprache* (Wiesbaden: Harrassowitz, 1957), s.v.: caravan (trading with fragrant essences, perfumes, etc.). But compare below, page 62, n. 119.

[114] ʿAbd al-Raḥmān b. ʿAbd Allāh al-Suhaylī, *al-Rawḍ al-unuf*, edited by Ṭāhā ʿAbd al-Rāʾūf Saʿd (Cairo: Maktabat al-kullīyāt al-azharīyah, 1391/1971), 3:14–15: *wa-dhakara anna al-Anṣār kānū qad naẓamū al-kharaz li-ʿAbd Allāh b. Ubayy li-yutawwijū-hu wa-yumallikū-hu ʿalay-him, wa-dhālika anna al-Anṣār yaman wa-qad kānat al-mulūk al-mutawwajūna min al-yaman fī āl Qaḥṭān wa-kāna awwal man tatawwaja min-hum Sabaʾ b. Yashjub b. Yaʿrub b. Qaḥṭān, wa-lam yutawwaj min al-ʿarab illā Qaḥṭānī, kadhālika qāla Abū ʿUbaydah. Fa-qīla la-hu: qad tatawwaja Hawdhah b. ʿAlī l-Ḥanafī ṣāḥib al-Yamāmah, wa-qāla fī-hi al-Aʿshā* [the variants between square brackets are from Maymūn b. Qays al-Aʿshā, *Dīwān* (Beirut: Dār ṣādir—Dār Bayrūt, 1380/1960), 108]: *man yara* [*yalqa*] *Hawdhata yasjud ghayra muttaʾibin / idhā taʿammama* [*taʿaṣṣaba*] *fawqa al-tāji aw waḍaʿā; wa-fī al-kharazāti allatī bi-maʿnā al-tāj yaqūlu al-shāʿir: raʿā kharazāti al-mulki ʿishrīna ḥijjatan / wa-ʿishrīna, ḥattā fāda wa-al-shaybu shāmilu; wa-qāla Abū ʿUbaydah: lam yakun tājan wa-innamā kānat kharazāt tunẓamu wa-kāna sabab tatawwuj Hawdhah anna-hu ajāra laṭīmah li-Kisrā*, [a gloss:] *manaʿa-hā mimman arāda-hā min al-ʿarab, fa-lammā wafada ʿalay-hi tawwaja-hu li-dhālika wa-mallaka-hu*. Hibat Allah Abū al-Baqāʾ, *al-Manāqib al-mazyadīyah*, edited by Ṣāliḥ Mūsā Darādikah and Muḥammad ʿAbd al-Qādir Khrīsāt (Amman: Maktabat al-risālah al-ḥadīthah, 1404/1984), 1:55, explains that Hawdhah's *tāj* was not a real crown but merely *kharazāt la-hu taʿammama ʿalay-hā*. See also Abū al-ʿAbbās Muḥammad b. Yazīd al-Mubarrad, *al-Kāmil*, edited by Muḥammad Abū al-Faḍl Ibrāhīm and al-Sayyid Shaḥātah (Cairo: Dār nahḍat Miṣr, n.d.), 2:24 (Abū ʿUbaydah < Abū ʿAmr [b. al-ʿAlāʾ]): *lam yutawwaj Maʿaddī qaṭṭu, wa-innamā kānat al-*

Abū ʿUbaydah's description of Hawdhah's crown conforms to the description of Ibn Ubayy's crown ("we were stringing gems for him in order to crown him"). While the Sasanians are not known to have been behind Ibn Ubayy's near-crowning, an assumption of Sasanian cultural influence would not be farfetched. After all, taxes were still levied in Medina on behalf of the Sasanians during the last quarter of the 6th century C.E.[115] Moreover, on the eve of Islam the Sasanians controlled most of the Middle East, in addition to the Yemen.[116] It appears that for the people of Medina on the eve of Islam, the emblem representing kingship was a Sasanian style diadem (worn on a turban or a cap, *qalansuwah*; see below).[117] Hawdhah and Ibn Ubayy had diadems, not crowns. A string of pearls was bound around Hawdhah's head (and Khusro also gave him a gown with full-length sleeves made of brocade and many sets of clothes); on this account Hawdhah was called *Dhū al-tāj*.[118] Elsewhere it is reported that Hawdhah would

tījān li-al-yaman. Asked about Hawdhah, Abū ʿUbaydah said: *innamā kānat kharazāt tunẓamu la-hu*. This passage is referred to in I. Goldziher, *Muslim Studies (Muhammedanische Studien)*, edited by S.M. Stern, translated by C.R. Barber and S.M. Stern (London: George Allen and Unwin, 1971), 1:180, in connection with Abū ʿUbaydah's knowledge of Arab antiquities. In Abū al-Baqāʾ, *al-Manāqib al-mazyadīyah*, 1:62, this statement is attributed to "the majority of historians" (*akthar al-ruwāt*). For *waḍaʿa* in the sense of "to remove (the turban)," see Kister, "Some Notes on the Turban," 224. Also al-Thaʿālibī, *Thimār al-qulūb*, 159: *inna al-ʿamāʾim tījān al-ʿarab fa-idhā waḍaʿū-hā waḍaʿa Allāh ʿizza-hum*.

115 Lecker, "The Levying of Taxes". ʿAthamina, "The Tribal Kings," 35, links Ibn Ubayy's near-crowning to the former Jewish role in the service of the Sasanians: "In this context it is reasonable to assume that the initiative to crown ʿAbdullāh b. Ubayy as king of al-Madīna on the eve of the Prophet's *hijra*, was designed to eliminate the burden of Jewish control over the Arab residents of this town." However, Ibn Ubayy was not the first Arab king in Medina since he was preceded by the above mentioned ʿAmr b. al-Iṭnābah; Kister, "al-Ḥīra," 147–49. Moreover, Ibn Ubayy probably had the Jews on his side; above, page 46.

116 M. Morony, "Sāsānids," in *The Encyclopedia of Islam* (1954–), 8:70–83 [fascicles 147–148].

117 Compare Kister, "Some Notes on the Turban," 233: ". . . [T]he Prophet invested the appointed governor (or the military leader) with authority by dressing him in the turban . . . The custom of dressing an appointed governor in a turban, practiced by the Prophet, is in fact a continuation of the customs of the Persian rulers, who invested their provincial governors with authority in this way in the Arab peninsula."

118 Al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, 1:984–85, quoting Ibn al-Kalbī: . . . *wa-daʿā bi-ʿiqd min durr fa-ʿuqida ʿalā raʾsi-hi fa-kasā-hu qabāʾ dībāj maʿa kuswah kathīrah, fa-min thamma summiya Hawdhah dhā al-tāj*; al-Ṭabarī, *The History of al-Ṭabarī: An Annotated Translation, Volume V: Sasanids, the Byzantines, the Lakhmids, and Yemen*, translated by C.E. Bosworth (New York: State University of New York Press, 1999), 290: "He called for a circlet of pearls, and it was placed in Hawdhah's head [as a diadem],

escort every year Khusro's caravan (or "make it pass through") in the internal part of Arabia, more specifically in the environs of Yamāmah, and that he came to Khusro concerning this matter.[119]

Khusro's gift and Hawdhah's services are also described as follows:

> . . . He used to make Khusro's messengers pass safely until they arrived at Najrān. Khusro gave him a *qalansuwah* or cap [i.e., one decorated with jewels] worth thirty thousand dirhams. Hence the verse of al-Aʿshā: "He has crowns made of sapphire intercalated by their goldsmiths, in which you do not see blemish nor rust".[120]

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and he gave him a brocade coat of honor and many other items of clothing; because of all that [rather, because of the circlet—M.L.], Hawdhah was called 'the man with the crown'."

[119] Al-Mubarrad, *al-Kāmil*, 2:24–25: *wa-kāna yujīzu laṭīmat Kisrā fī al-barr bi-janabāt al-Yamāmah . . . wa-wafada . . . ʿalā Kisrā bi-hādhā al-sabab*. Ibn ʿAbd Rabbihi, *al-ʿIqd al-farīd*, edited by Aḥmad Amīn, Aḥmad al-Zayn and Ibrāhīm al-Ibyārī (Cairo: Lajnat al-ta'līf wa-al-tarjamah wa-al-nashr, 1359/1940–1372/1953), 2:243, has: *wa-kāna Hawdhah . . . yujīzu laṭīmat kisrā fī kull ʿām, wa-al-laṭīmah ʿīr taḥmilu al-ṭīb wa-al-bazz*. According to Abū al-Baqā', *al-Manāqib al-mazyadīyah*, 1:53–54, the sign of the protection granted by Hawdhah was an arrow carrying his name (*marra bi-hi rusul li-kisrā bi-laṭā'im la-hu fa-kataba la-hum ʿalā sahm 'Hawdhah' wa-jā'a rusul al-malik fa-akhadhū dhālika al-sahm fa-jāwazū bi-hi fī al-ʿarab*). Abū ʿUbaydah, when asked about it, belittled Hawdhah's influence, explaining that those who respected Hawdhah's protection were people who were in his debt, or wanted to gain his favour, or belonged to his tribe. In connection with Yawm al-ṣafqah it is reported that having been crowned by Khusro, Hawdhah fought the Tamīm with the support of Sasanian heavy cavalry (*. . . kisrā tawwaja Hawdhah . . . ḍamma ilay-hi jayshan min al-asāwirah fa-awqaʿa bi-banī Tamīm yawm al-ṣafqah*); Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 16:78 (17:317). Normally Hawdhah secured the caravan as long as it traversed the land of the Ḥanīfah, and when he undertook to protect it where the Saʿd of the Tamīm usually did it, claiming the *jaʿālah* or reward which had previously been paid to the Saʿd, they robbed the caravan; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 16:79 (17:319–20). On the term *jaʿālah* see Lecker, "Were the Jewish Tribes in Arabia Clients of Arab Tribes."

[120] Ibn al-Kalbī, *Jamharat al-nasab*, edited by Nājī Ḥasan (Beirut: ʿĀlam al-kutub—Maktabat al-nahḍah al-ʿarabīyah, 1407/1986), 539: *wa-kāna yujīzu al-bur(u)d li-Kisrā ḥattā taqaʿa bi-Najrān. Fa-aʿṭāhu Kisrā qalansuwa qīmatu-hā thalāthūna alf dirham, fa-dhālika qawl al-Aʿshā: la-hu akālīlu bi-al-yāqūti faṣṣala-hā* [al-Aʿshā, *Dīwān*, edited by Yūsuf Shukrī Farāḥāt (Beirut: Dār al-Jīl, 1413/1992), 108: *zayyana-hā*] / *ṣuwwāghu-hā, lā tarā ʿayban wa-lā ṭabaʿā*). See also al-Aʿshā, *Dīwān al-Aʿshā al-kabīr*, edited by Muḥammad Ḥusayn (Cairo: Maktabat al-ādāb bi-al-Jamāmīz, 1950), 107; al-Aʿshā, *Gedichte von ʿAbû Baṣîr Maimûn Ibn Qais al-'Aʿšâ*, edited by R. Geyer (London: E.J.W. Gibb Memorial Series, 1928), 86; al-Aʿshā, *Dīwān*, edited by Farаḥāt, 165. Hawdhah was called *Dhū al-tāj* because of a *qalansuwah* decorated with jewels (*jawhar*) which was given to him by Khusro; Ibn Durayd, *al-Ishtiqāq*, edited by ʿAbd al-Salām Hārūn (Cairo: al-Khānjī, 1378/1958), 348. In the Sasanian kingdom the value of the *qalansuwah* reflected the status of its owner; one who belonged to the highest nobility wore a *qalansuwah* worth one hundred thousand (dirhams); al-Ṭabarī, *Ta'rīkh al-rusul wa-al-mulūk*, 1:2025; al-Ṭabarī, *The History of al-Ṭabarī: An Annotated Translation, Volume XI: The Challenge to the Empires*, translated by Khalid Yahya Blankinship (New York: State University of New York Press, 1993), 13–14.

Khālid b. al-Walīd's *qalansuwah* carried at its front (*muqaddam*) the Prophet's forelock (*nāṣiyah*), and hence he was always victorious in the battlefield.[121] The forelock was presumably attached where the *qalansuwah* would otherwise be decorated with jewels. During Khālid's public inquiry at the hands of caliph ʿUmar's envoy, his *ʿimāmah*, and later his *qalansuwah*, were removed and then reinstated (in reverse order).[122] The story shows that Khālid is supposed to have worn a short *qalansuwah* with a turban wrapped around it.[123] Wearing a turban on top of the cap or headgear was common; one *ḥadīth* states that the Muslims are differentiated from the unbelievers by the practice of tying turbans over their caps.[124]

Hawdhah's *qalansuwah* should be linked to the survival of the *qalansuwah* as a regnal symbol in the Islamic period, as pointed out by R. Ettinghausen in connection with "the mysterious stone object suspended . . . by a chain" in Khirbat al-Mafjar. He argued that it "must have represented a kind of headgear proper for a ruler and worn by him on official occasions, and also one worn by the Umayyad caliphal house." From the three types of official headgear worn by the Umayyads, the *qalansuwah* or cap, the *tāj* or crown and the *ʿimāmah* or turban, Ettinghausen convincingly chose the *qalansuwah*, more specifically the *qalansuwah ṭawīlah*, defined by Dozy as "bonnet haut en forme de pain de sucre"[125] and worn by the Abbasid caliphs and their viziers as well as the *qāḍī*s. Among others, the Prophet and caliph ʿUthmān are said to have worn such headgear.[126] Ettinghausen disputes

[121] Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 16:236–37. Abū Zamʿah al-Balawī was buried with his *qalansuwah* in which there was a hair of the Prophet; B.M. Wheeler, "From *Dār al-Hijra* to *Dār al-Islām*: the Islamic Utopia," in *The Concept of Territory in Islamic Law and Thought*, edited by Yanagihashi Hiroyuki (London: Kegan Paul International, 2000), 6. One assumes that the hair was attached to the front of his cap. When Hārūn al-Rashīd invaded the Byzantine territory, his *qalansuwah* was inscribed with the words *ghāzin ḥājj*, or warrior for the faith, pilgrim; al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, 3:709; al-Ṭabarī, *The History of al-Ṭabarī: An Annotated Translation, Volume XXX: The Abbasid Caliphate in Equilibrium*, translated by C.E. Bosworth (New York: State University of New York Press, 1989), 262–63; quoted in R. Levy, "Notes on Costume from Arabic Sources," *Journal of the Royal Asiatic Society* (1935): 325.

[122] Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 16:266: *fa-qāma al-barīd . . . thumma tanāwala ʿimāmata-hu fa-naqaḍa-hā . . . thumma waḍaʿa qalansuwata-hu . . . fa-ʿaqala-hu bi-ʿimāmati-hi . . . fa-aṭlaqa-hu wa-aʿāda qalansuwata-hu thumma ʿammama-hu bi-yadi-hi.*

[123] Levy, "Notes on Costume," 325.

[124] Kister, "Some Notes on the Turban," 242 n. 130 (. . . *al-ʿamāʾim ʿalā al-qalānis*). See also Kister, "Some Notes on the Turban," 225 and 230.

[125] R. Dozy, *Supplément aux dictionnaires arabes* (Leiden: E.J. Brill, 1881), 2:401.

[126] R. Ettinghausen, *From Byzantium to Sasanian Iran and the Islamic World: Three Modes of Artistic Influence* (Leiden: E.J. Brill, 1972), 23–33.

the assumption[127] that the tall *qalansuwah* was introduced by caliph al-Manṣūr: "The archaeological evidence from Khirbat al-Mafjar now disproves this assumption of an Abbasid origin".[128] Hawdhah's bejeweled *qalansuwah* supports Ettinghausen's conclusion that the *qalansuwah* was, like the suspended chain of Khirbat Mafjar, of Iranian origin and that both were adopted by the Umayyads.[129]

The diadems of Ibn Ubayy and Hawdhah were probably bound around their headgear, be it a *qalansuwah* or an *ʿimāmah*, "the crown of the Arabs".[130] *Tawwaja-hu* means "he crowned him, invested him with a crown," as well as "he turbaned him, invested him with a turban."[131] Indeed a passage quoted above (page 50) mentions with regard to Ibn Ubayy both a turban and a crown (*an yuʿaṣṣibū-hu wa-yutawwijū-hu*). Zamakhsharī (who only mentions in this regard a turban, *an yuʿaṣṣibū-hu bi-al-ʿiṣābah*) goes on to explain that when one speaks of attiring a person with a turban, one means declaring him a *sayyid* or chief since the turbans are the crowns of the Arabs. A *sayyid* is called "the turbaned one" (*al-muʿammam* and *al-muʿaṣṣab*), as well as "the crowned one" (*al-mutawwaj*) and "the one made chief" (*al-musawwad*).[132] The saying "the turbans are the crowns of the Arabs" (or, in this context, the bedouin) has its origin in the fact that the bedouin in the deserts are usually bareheaded or wear caps (*qalānis*, plural of *qalansuwah*), turbans among them being few.[133]

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127 Ettinghausen, *From Byzantium to Sasanian Iran and the Islamic World*, 31. Compare al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, 3:371 (153 A.H.): *wa-fī-hā akhadha al-Manṣūr al-nās bi-lubs al-qalānis al-ṭiwāl al-mufriṭat al-ṭūl wa-kānū fī-mā dhukira yaḥtālūna la-hā bi-al-qaṣab min dākhil.*

128 On the use of tall *qalānis* in the Umayyad period see also Ṣāliḥ Aḥmad al-ʿAlī, "al-Albisah al-ʿarabīyah," 425; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 2:121 (2:342). ʿUmar II reportedly wore a *qalansuwah*; al-Suyūṭī, *al-Aḥādīth al-ḥisān fī faḍl al-ṭaylasān*, edited by A. Arazi (Jerusalem: Institute of Asian and African Studies, 1983), 35.

129 Ettinghausen, *From Byzantium to Sasanian Iran and the Islamic World*, 33. Compare Sh. Shaked, "From Iran to Islam: On Some Symbols of Royalty," *Jerusalem Studies in Arabic and Islam* 7 (1986): 76.

130 For caliph ʿAbd al-Malik b. Marwān, a *tāj* or (proper) crown is supposed to have had a Persian connotation: he allegedly complained to the poet Ibn Qays al-Ruqayyāt about the mention of a *tāj* in his panegyric, as if the caliph were of the non-Arabs (*ʿajam*, probably "Persians"): *tamdaḥunī bi-al-tāj ka-annī min al-ʿajam*; Abū al-Faraj al-Iṣfahānī, *Kitāb al-aghānī*, 4:158 (5:79).

131 Lane, *An Arabic-English Lexicon*, 1:322, s.v. *t.w.j.*

132 Maḥmūd b. ʿUmar al-Zamakhsharī, *al-Fāʾiq fī gharīb al-ḥadīth*, edited by ʿAlī Muḥammad al-Bijāwī and Muḥammad Abū al-Faḍl Ibrāhīm (Cairo: ʿIsā al-Bābī al-Ḥalabī, 1971), 1:80–81, s.v. *b.ḥ.r.*

133 Ibn al-Athīr, *al-Nihāyah fī gharīb al-ḥadīth wa-al-athar*, edited by Ṭāhir Aḥmad al-Zāwī and Maḥmūd Muḥammad al-Ṭanāḥī (Cairo: al-Maktabah al-Islāmīyah, 1385/1965), 1:199, s.v. *t.w.j.* See also Kister, "Some Notes on the Turban," 218.

There were also crowned (i.e., turbaned) kings among the Sulaym. One of them, Mālik b. Khālid b. Ṣakhr b. al-Sharīd, was the *raʾīs* or military commander of the Sulaym.[134] One assumes that the king of a nomadic tribe was its military commander. This was also the case with *Dhū al-tāj* from the Shaybān, namely Ḥārithah b. ʿAmr b. Abī Rabīʿah, who led the Bakr b. Wāʾil in the Battle of Uwārah (I) against the king of Ḥīrah, al-Mundhir III (b. Māʾ al-Samāʾ, ca. 505–54).[135] Among the settled Quraysh, Abū Uḥayḥah Saʿīd b. al-ʿĀṣ of the ʿAbd Shams was called *Dhū al-tāj* because when he wore a turban of a certain color, nobody would wear a turban of the same color out of respect to him (*iʿẓāman la-hu*).[136]

A combination of jewels and a headgear is also attested to in connection with the Fāṭimids. Their *tāj*, which formed part of their insignia of sovereignty, "was not a crown *per se* but an elaborate turban wound in a particular fashion." Attached to the top of the *tāj* was a "horseshoe" (*ḥāfir*), "a crescent-shaped ruby affixed to a piece of silk."[137]

V. *Was ʿĀṣim b. ʿUmar a* Qāṣṣ*?*

Finally we arrive at the assumption that ʿĀṣim b. ʿUmar b. Qatādah (above, 31) was a "storyteller" or a *qāṣṣ*. The following text was supposed to reflect his role as a storyteller:

> *kāna rāwiyah li-al-ʿilm wa-la-hu ʿilm bi-al-maghāzī wa-al-sīrah, amara-hu ʿUmar b. ʿAbd al-ʿAzīz an yajlisa fī masjid Dimashq fa-yuḥadditha al-nās bi-al-maghāzī wa-manāqibi al-ṣaḥābah fa-faʿala.*[138]

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[134] Compare Lecker, *The Banū Sulaym: A Contribution to the Study of Early Islam* (Jerusalem: Institute of Asian and African Studies, 1989), Appendix A: The kings of Sulaym, 219–20, especially 219, n. 5 (. . . *arādū ʿaqd al-tāj ʿalā raʾsi-hi*).

[135] Ibn al-Athīr, *al-Muraṣṣaʿ*, 89; Ibn al-Kalbī, *Ǧamharat an-Nasab: Das genealogische Werk des Hišām ibn Muḥammad al-Kalbī*, edited by W. Caskel (Leiden: E.J. Brill, 1966), 2:316.

[136] Ibn al-Kalbī, *Jamharat al-nasab*, 44; also Abū al-Baqāʾ, *al-Manāqib al-mazyadīyah*, 1:70 (*wa-kāna Abū Uḥayḥah . . . yataʿammamu fa-sammathu Quraysh dhā al-tāj*). According to other reports, he was nicknamed *Dhū al-ʿimāmah*; Kister, "Some Notes on the Turban," 219. In a verse he is referred to as *Dhū al-ʿiṣābah*; Abū al-Baqāʾ, *al-Manāqib al-mazyadīyah*, 1:71.

[137] P. Sanders, "Mawākib," in *The Encyclopaedia of Islam* (1954–), 6:850a.

[138] See also Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 25:277, where the genealogist of the Anṣār, ʿAbd Allāh b. Muḥammad b. ʿUmārah (Ibn al-Qaddāḥ; Sezgin, *Geschichte des arabischen Schrifttums*, 1:268) is quoted as saying: *wa-kāna ʿĀṣim b. ʿUmar min al-ʿulamāʾ*

Crone's translation runs as follows:

> ʿĀṣim "had knowledge of the *maghāzī*, and *siyar*, and . . . *was invited* [italics added—M.L.] to sit in the mosque of Damascus and tell about the *maghāzī* and the virtues of the Companions, which he did.[139]

A significant detail, which points to the context of the passage, is missing: it was caliph ʿUmar II who instructed ʿĀṣim to sit in the mosque of Damascus and transmit *ḥadīth*[140] concerning the *maghāzī* and the virtues of the Companions.[141] The crux of the matter is the pious caliph's attitude towards the promulgation of the Prophet's biography. This is made clear by a fuller version of the same report:

> He [that is, ʿĀṣim] was a transmitter of *ḥadīth* and was knowledgeable in the *sīrah* and *maghāzī* of the Messenger of God. Muḥammad b. Isḥāq and other scholars transmitted from him. He was a reliable transmitter, transmitted numerous *ḥadīth*s and was a learned man. ʿĀṣim b. ʿUmar came to visit ʿUmar b. ʿAbd al-ʿAzīz during his caliphate in connection with an incumbent debt and ʿUmar balanced it for him. Later he ordered to pay him a *maʿūnah* or "assistance"[142] and instructed him to sit in the central mosque of Damascus and transmit *ḥadīth* to the people about the *maghāzī* of the Messenger of God and the virtues of his Companions. He [that is, the caliph] said: "The Banū Marwān disliked and prohibited this, so sit and transmit *ḥadīth* to the people about it," which he did. Then he returned to Medina and remained there to his death in 120 A.H. at the time of Hishām b. ʿAbd al-Malik.[143]

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bi-al-sīrah wa-ghayri-hā. Ibn Qutaybah, *al-Maʿārif*, edited by Tharwat ʿUkāshah (Cairo: Dār al-maʿārif, 1969), 466, describes him as *ṣāḥib al-siyar wa-al-maghāzī*.

139 Crone, *Meccan Trade*, 217–18.

140 This seems preferable to "tell about."

141 Aḥmad b. Ḥajar al-ʿAsqalānī, *Tahdhīb al-tahdhīb* (Hyderabad: Dāʾirat al-maʿārif al-ʿUthmānīyah, 1325/1907), 5:54 no. 85. See also Sezgin, *Geschichte des arabischen Schrifttums*, 1:280: "Auf Befehl von ʿU. b. ʿAbdalʿazīz las er in der Moschee von Damaskus über *maġāzī* und *manāqib aṣ-ṣaḥāba*."

142 Crone, "Maʿūna," in *The Encyclopaedia of Islam* (1954–), 6:848.

143 Ibn Saʿd, *al-Ṭabaqāt al-kubrā, al-qism al-mutammim li-tābiʿī ahl al-Madīnah wa-man baʿdahum*, edited by Ziyād Muḥammad Manṣūr (Medina: Maktabat al-ʿulūm wa-al-ḥikam, 1408/1987), 128–29: *wa-kānat la-hu riwāyah li-al-ʿilm wa-ʿilm bi-al-sīrah wa-maghāzī rasūl Allāh ṣ wa-rawā ʿan-hu Muḥammad b. Isḥāq wa-ghayru-hu min ahl al-ʿilm wa-kāna thiqah kathīr al-ḥadīth ʿāliman. Wa-wafada ʿĀṣim b. ʿUmar ʿalā ʿUmar b. ʿAbd al-ʿAzīz fī khilāfati-hi fī dayn lazima-hu fa-qaḍā-hu ʿan-hu ʿUmar wa-amara la-hu baʿda dhālika bi-maʿūnah wa-amara-hu an yajlisa fī jāmiʿ Dimashq fa-yuḥadditha al-nās bi-maghāzī rasūl Allāh ṣ wa-manāqib aṣḥābi-hi, wa-qāla: inna banī Marwān kānū yakrahūna hādhā wa-yanhawna ʿan-hu, fa-ijlis fa-ḥaddith al-nās bi-dhālika fa-faʿala, thumma rajaʿa ilā al-Madīnah fa-lam yazal bi-hā ḥattā tuwuffiya sanat ʿishrʿīna wa-miʾah fī khilāfat Hishām b. ʿAbd al-Malik.* According to one report (. . . < ʿĀṣim's brother, Yaʿqūb), ʿĀṣim came to ʿUmar II in Khunāṣira together with Bashīr b. Muḥammad b. ʿAbd Allāh b. Zayd b. ʿAbd Rabbihi al-Anṣārī. The caliph covered for each of them a debt of four hundred dinars and they received an official decree or check (*ṣakk*) stating that they should be given

This is yet another realm in which ʿUmar II is supposed to have deviated from the ways of his wrongheaded predecessors. While they were opposed to the transmission of the Prophet's *maghāzī* (i.e., the Prophet's biography as a whole, not only his expeditions) and the virtues of his Companions, inevitably including those of ʿAlī, ʿUmar II supported it. Moreover, of all candidates an Anṣārī scholar was to transmit these sensitive *ḥadīth*s at the very heart of the Umayyad regime.[144] In sum, the passage in question seeks to reinforce ʿUmar II's image as a rectifier of the practices of his predecessors.

The contents and form of ʿĀṣim's presumed lectures will concern us now, more precisely the question of whether they were based on transmission or imagination. One should consult on this matter the biographical information available about him. When ʿĀṣim is described as a possessor of knowledge in the fields of *maghāzī* and *sīrah*, or as *ṣāḥib al-siyar wa-al-maghāzī*, he is put on a par with later scholars such as Ibn Isḥāq, Mūsā b. ʿUqbah, Abū Maʿshar, Ibn Hishām, Wāqidī and Ibn Saʿd.[145] However, while all of these later scholars were compilers of monographs about the Prophet, ʿĀṣim was *ṣāḥib al-siyar wa-al-maghāzī* in the sense that he had expert knowledge on the subject (*wa-kānat la-hu riwāyah li-al-ʿilm wa-ʿilm bi-al-sīrah wa-maghāzī rasūl Allāh*).[146]

When Crone refers to ʿĀṣim as a "storyteller", she has in mind the Islamic *qāṣṣ* or popular preacher.[147] No indication could be found

this sum from the tax (*ṣadaqah*) paid by the Kalb, more specifically from the part of it which was earmarked for this purpose in the treasury (*mimmā ʿuzila fī bayt al-māl*); Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, 5:349; Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 10:303.

144 The caliph's statement regarding the Banū Marwān which is the centerpiece of this report is missing in al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 13:530, and consequently also in Ibn Ḥajar's *Tahdhīb al-tahdhīb*. The *Tahdhīb al-tahdhīb* also omits from al-Mizzī's report the mention of ʿĀṣim's incumbent debt.

145 Ibn Isḥāq, *ṣāḥib al-maghāzī*—Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 15:379; Mūsā b. ʿUqbah, *ṣāḥib al-maghāzī*—Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 60:456; Abū Maʿshar Najīḥ, *ṣāḥib al-maghāzī*—Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 21:319; Ibn Hishām, *ṣāḥib al-maghāzī*—Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 51:373 and *ṣāḥib al-siyar*—al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 9:486; al-Wāqidī, *ṣāḥib al-maghāzī*—Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 54:432; Ibn Saʿd, *ṣāḥib al-maghāzī wa-al-sīrah wa-ayyām al-nās*—Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 53:65. On the terms compare M. Hinds, "*Maghāzī* and *Sīra* in Early Islamic Scholarship," in *La vie du Prophète Mahomet, Actes du Colloque de Strasbourg, Octobre 1980*, edited by T. Fahd (Paris: Presses universitaires de France, 1983), 57–66.

146 J.M.B. Jones, "The *Maghāzī* Literature," in *The Cambridge History of Arabic Literature: Arabic Literature to the End of the Umayyad Period*, edited by A.F.L. Beeston, T.M. Johnstone, R.B. Serjeant and G.R. Smith (Cambridge: Cambridge University Press, 1983), 345: "[N]o specific book is attributed to him."

147 The rendering of *qāṣṣ* as "storyteller" is infelicitous since it blurs the religious,

that ʿĀṣim ever functioned as a *qāṣṣ*, and consequently he carried out ʿUmar II's order (*an yajlisa fī jāmiʿ Dimashq fa-yuḥaddith al-nās . . .*) by the serene transmission of *ḥadīth*, as opposed to the emotional improvisation typical of a *qāṣṣ*. While being well-versed in Qurʾān and *ḥadīth*, the *qāṣṣ* was also a charismatic and talented performer. ʿĀṣim did not share the laxity in transmission common among *quṣṣāṣ*, or he would not have obtained such praise among later critics of the stricter *ḥadīth* discipline. There is no indication that he invented stories upon official (or popular) demand and one assumes that in his transmission he operated as a mere link between his teachers and his pupils. Should contradictions be found in ʿĀṣim's reports—which is not the case with regard to the state of affairs in Medina on the eve of the *hijrah*—they go back to his informants. The opinions of *ḥadīth* experts about the quality of transmitters are rarely relevant for the study of early Islamic history, but in the present context they should be taken into account: they unanimously agreed that he was a *thiqah*, in other words that his transmission technique was immaculate.[148] Their opinions were naturally based on those of ʿĀṣim's *ḥadīth*s that were included in the main *ḥadīth* collections, but it would seem that also in his "less prestigious" transmissions he was merely reproducing what he had learned from his teachers. For example, he preserved his own family history by transmitting (through his father and grandfather, Qatādah b. al-Nuʿmān) reports on his grandfather's exploits at the time of the Prophet.[149] However, this aspect of ʿĀṣim's scholarly activity did not render him a *qāṣṣ*.

ʿĀṣim's technique should be compared to that of Abū Idrīs al-Khawlānī (d. 80/699),[150] a *qāṣṣ* involved in the transmission of reports

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political and emotional aspects of the *qāṣṣ*'s activity. In a recent study the *qāṣṣ* is defined as "religious preacher"; ʿAthamina, "*al-Qasas*: Its Emergence, Religious Origin and its Socio-political Impact on Early Muslim Society," *Studia Islamica* 76 (1992): 53. Ch. Pellat, "Ḳāṣṣ," in *The Encyclopaedia of Islam* (1954–): 4:733–735, calls him "popular story-teller or preacher, deliverer of sermons." See on the subject also W.Ṭ. al-Najm, "al-Qaṣaṣ: nashʾatu-hu fī al-islām wa-taṭawwuru-hu," *Bulletin of the College of Arts and Sciences* (Baghdad) 10 (1967): 166–78; a monograph by the same author, *al-Qaṣaṣ wa-al-quṣṣāṣ fī al-adab al-islāmī* (Kuwait 1972), is unavailable to me. See also J. Jūda, "al-Qaṣaṣ wa-al-quṣṣāṣ fī ṣadr al-islām bayna al-wāqiʿ al-taʾrīkhī wa-al-naẓrah al-fiqhīyah," *Dirāsāt taʾrīkhīyah* (Damascus) 33–34 (1989): 105–41.

[148] Al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 13:530.

[149] See the entry on Qatādah in Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 49:269–89. Note in particular the report (280–81) transmitted by ʿĀṣim's grandson, ʿAbd Allāh b. al-Faḍl b. ʿĀṣim. The report which deals with Qatādah's fighting at Uḥud remained in the family for at least two generations after ʿĀṣim's lifetime.

[150] Al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 14:92 no. 3068.

on the Prophet's battles.[151] At the time of ʿAbd al-Malik Abū Idrīs was both an (official or state) *qāṣṣ* and *qāḍī*, and later he only officiated as *qāḍī*.[152] Abū Idrīs and ʿĀṣim operated in the mosque of Damascus or on its staircase, but whereas the former left out the mention of his informants, the latter did not.[153]

Had ʿĀṣim been a *qāṣṣ*, we would probably have known about it since he was an important personality and since there is a fair amount of evidence concerning the central *quṣṣāṣ* who operated during ʿUmar II's short reign. Naturally these *quṣṣāṣ* were also active under other caliphs, but for the sake of our argument only those known to have flourished at the time of ʿUmar II will be mentioned. It stands to reason that of the very many *quṣṣāṣ* who lived during the first centuries of Islam only the most prominent ones, including those employed by the state, appear in the sources. Perhaps under ʿUmar II there was an increase in the number of the salaried *quṣṣāṣ* compared to their number under other Umayyad caliphs,[154] but this remains to be investigated. *Quṣṣāṣ* who were also active in other fields of Islamic scholarship, above all *ḥadīth* transmission, stood a better chance of being recorded in the relevant biographical dictionaries.

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[151] Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 26:163 (< Yazīd b. Abī Mālik, on whom see al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 32:189–93 no. 7022): . . . *kunnā najlisu ilā Abī Idrīs al-Khawlānī fa-yuḥaddithunā fī al-shayʾ min al-ʿilm lā yaqṭaʿu-hu bi-ghayri-hi ḥattā yaqūma aw tuqāma al-ṣalāt ḥifẓan li-mā sammaʿa, qāla: fa-ḥaddatha yawman ʿan baʿḍ maghāzī rasūl Allāh ṣ ḥattā istawʿaba al-ghazāt, fa-qāla la-hu rajul min nāḥiyat al-majlis: a-ḥaḍarta hādhihi al-ghazātī ṣ qāla: fa-qāla: lā, fa-qāla al-rajul: qad ḥaḍartu-hā maʿa rasūl Allāh ṣ wa-la-anta aḥfaẓu la-hā min-nī*.

[152] . . . *Yajlisu bi-al-ʿashīyāt ʿalā daraj masjid Dimashq alladhī yaṭlaʿu al-nās min-hu ilā masjid al-muslimīna wa-muṣallā-hum muqbil bi-wajhi-hi ʿalā al-qiblah wa-al-nās taḥta-hu julūs, yasʾalūna-hu fa-yaquṣṣu ʿalay-him wa-yuḥaddithu-hum bi-al-aḥādīth*. But Abū Idrīs was infuriated when asked about the sources of his *ḥadīth*s. He told a man who demanded an *isnād* that he was more capable of providing the *isnād* than of transmitting *ḥadīth*: *la-anā aqdar ʿalā al-isnād min-nī ʿalā al-ḥadīth*; Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 26:163–164. He was also a popular Qurʾān reader; Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 26:162–63. The emerging *ḥadīth* discipline was behind the challenge addressed to him. Compare Lecker, "Biographical Notes on Ibn Shihāb al-Zuhrī," *Journal Semitic Studies* 41 (1996): 36 n. 61. On the appointment of *quṣṣāṣ* by ʿAbd al-Malik see N. Abbott, *Studies in Arabic Literary Papyri II: Qurʾānic Commentary and Tradition* (Chicago: The University of Chicago Press, 1967), 15.

[153] Prominent among ʿĀṣim's informants was Maḥmūd b. Labīd al-Ashhalī, on whom see al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 27:309–11. It has to be remarked that outside the sphere of the strict *ḥadīth* discipline *isnād*s are often abridged or wholly omitted. At times ʿĀṣim would quote "elders from his tribe," a form of reference considered legitimate in historiography. But it is possible that while he identified his informant(s) more precisely, the details were later omitted by a compiler or scribe.

[154] Compare al-Yaʿqūbī, *Mushākalat al-nās li-zamāni-him*, edited by W. Millward (Beirut: Dār al-kitāb al-jadīd, 1962), 19–20.

The main figure among the *quṣṣāṣ* of that period was Muḥammad b. Kaʿb al-Quraẓī who is listed together with ʿĀṣim among the *fuqahāʾ* who flourished at the time of ʿUmar II.[155] Obviously, with regard to *quṣṣāṣ* of a high scholarly level such as Muḥammad b. Kaʿb, *fiqh* and *qaṣaṣ* did not contradict each other and could be combined in one and the same person.[156]

Mujāhid b. Jabr, a *mawlā*, a *muqriʾ* and an expert on *tafsīr* and *fiqh*[157] is also listed among the *quṣṣāṣ*.[158]

Muḥammad b. Qays al-Madanī, "the *qāṣṣ* of ʿUmar II", was the *mawlā* of Yaʿqūb al-Qibṭī or of the family (*āl*) of Abū Sufyān. Several prominent scholars who engaged in historiography transmitted from him, namely Ibn Isḥāq, Abū Maʿshar and Sulaymān b. Ṭarkhān al-Taymī, the father of al-Muʿtamir b. Sulaymān.[159]

Muslim b. Jundab al-Hudhalī al-Madanī was reportedly a *qāḍī* and received from ʿUmar II a salary of two dinars (per month) after having officiated without a salary.[160] But the text is corrupt: he was a bedouin *qāṣṣ* and an expert Qurʾān reader, not a *qāḍī*.[161] The link between ʿUmar II and Muslim goes back to the caliph's childhood since the latter was his teacher. ʿUmar used to praise his person and eloquence in the reading of the Qurʾān.[162]

The *qāṣṣ* Mūsā b. Wardān al-Qurashī, who was active in Egypt, originated from Medina. He was the *mawlā* of ʿAbd Allāh b. Saʿd b. Abī Sarḥ al-ʿĀmirī. He came to visit caliph ʿUmar II who was his

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155 Al-Yaʿqūbī, *Taʾrīkh*, 2:308.

156 See for example al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 26:346 (*wa-kāna yaquṣṣu fī al-masjid*; the mosque in question is that of al-Rabadhah).

157 A. Rippin, "Mudjāhid b. Djabr al-Makkī," in *The Encyclopaedia of Islam* (1954–), 7:293.

158 Abū al-Faraj b. al-Jawzī, *al-Quṣṣāṣ wa-al-mudhakkirīna*, edited by Muḥammad al-Saʿīd b. Basyūnī Zaghlūl (Beirut: Dār al-kutub al-ʿilmīyah, 1406/1986), 47.

159 Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 55:108–109; al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 26:323–324.

160 *Wa-kāna qabla dhālika yaqḍī bi-ghayr rizq*; al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 27:495–96.

161 *Wa-min kibār al-quṣṣāṣ thumma min Hudhayl: Muslim b. Jundab wa-kāna qāṣṣ masjid al-nabī ṣ bi-al-Madīnah wa-kāna imāma-hum wa-qāriʾa-hum, wa-fīhi yaqūlu ʿUmar b. ʿAbd al-ʿAzīz: man sarra-hu an yasmaʿa al-qurʾān ghaḍḍan fa-al-yasmaʿ qirāʾat Muslim b. Jundab*; al-Jāḥiẓ, *al-Bayān wa-al-tabyīn*, edited by ʿAbd al-Salām Muḥammad Hārūn (Cairo: al-Khānjī, 1395/1975), 1:367–68. See Ibn Shabbah, *Taʾrīkh al-Madīnah*, 1:14: *kāna . . . qāṣṣan li-ahl al-Madīnah fa-qaraʾa [Surat] Sajdah baʿda ṣalāt al-ṣubḥ, fa-qāla Saʿīd b. al-Musayyab: law kāna lī ʿalā hādhā al-aʿrābī al-jāfī sulṭān, lam azal aḍribu-hu ḥattā yakhruja min al-masjid*. Also Ibn Shabbah, *Taʾrīkh al-Madīnah*, 1:15: . . . *anna ʿUmar b. ʿAbd al-ʿAzīz amara rajulan wa-huwa bi-al-Madīnah an yaquṣṣa ʿalā al-nās, wa-jaʿala la-hu dīnārayni kull shahr, fa-lammā qadima Hishām b. ʿAbd al-Malik jaʿala la-hu sittat danānīr kull sanah*.

162 Ibn Ḥajar, *Tahdhīb al-tahdhīb*, 10:124: *wa-kāna muʿallim ʿUmar b. ʿAbd al-ʿAzīz wa-kāna ʿUmar yuthnī ʿalay-hi wa-ʿalā faṣāḥati-hi bi-al-qurʾān*.

friend. His predecessor in charge of the *qaṣaṣ* was ʿUqbah b. Muslim al-Tujībī (*wa-kāna . . . wāliyan ʿalā al-qaṣaṣ*). Ibn Ḥanbal had a positive opinion about Mūsā (*lā aʿlamu illā khayran*), but it is not clear how Yaḥyā b. Maʿīn evaluated him. According to some, Yaḥyā said that he was *ṣāliḥ*, while according to others he said that his *ḥadīth* was "not strong" (*laysa bi-al-qawī*) or even "weak" (*ḍaʿīf al-ḥadīth*).[163]

There is no lack of evidence on *quṣṣāṣ* at the time of ʿUmar II; had the famous ʿĀṣim been one of them, we would have heard of it. *Muḥaddithūn* and *quṣṣāṣ* operated differently. Uways al-Qaranī who was killed at Ṣiffīn or in a raid in Armenia allegedly refused to transmit a *ḥadīth* of the Prophet, saying that he did not wish to be a *muḥaddith* nor a *qāṣṣ* nor a *muftī* and as a result have his attention diverted from the people.[164] Some scholars belonged to more than one discipline, but ʿĀṣim was not one of them. He did not have the versatility of his contemporary Zuhrī, a reputed scholar of *ḥadīth* and *fiqh* who was also proficient in other fields of scholarship. An admiring pupil of Zuhrī said that when he talked about eschatology (*fī al-targhīb*, "arousing desire for Paradise"), he gave one the impression that he was only versed in this topic, but the same was the case when he talked about the prophets and the "People of the Book," the Qurʾān and Sunnah, or the bedouin and their genealogies.[165] But Zuhrī was not a *qāṣṣ* and the same is true of ʿĀṣim. The study of ʿĀṣim's materials would not further our knowledge of the *quṣṣāṣ*'s contribution to Muḥammad's biography.

In any case, even if one were to call ʿĀṣim a *qāṣṣ*, or to claim that he sometimes operated as a *qāṣṣ* and at other times as a rigorous *ḥadīth* transmitter, his reports on the situation in Medina on the eve of Islam and on the status of Ibn Ubayy did not belong to the repertoire of a *qāṣṣ*. To the contrary, they suggest a careful transmission of the accounts which ʿĀṣim received from his teachers, whatever their value for the historian. Whether or not they reflect historical fact can only be established through detailed research of the kind undertaken here.

It was found that at the time of the *hijrah* Ibn Ubayy was the leader of the Khazraj and hence the strongest Arab leader in Medina, and that the Khazraj were making preparations to crown him.

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[163] Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 61:224–30.

[164] Ibn Manẓūr, *Mukhtaṣar taʾrīkh Dimashq*, 5:85 and 90–91.

[165] Lecker, "al-Zuhrī," in *The Encyclopaedia of Islam* (1954–), forthcoming; Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, 55:341 and 342.

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PROPHETS AND CALIPHS: THE BIBLICAL FOUNDATIONS OF THE UMAYYAD AUTHORITY[1]

Uri Rubin

The Islamic preoccupation with the past is well known, and so is the pivotal place Islam assigned to itself in world history, as well as the Biblical patterns that Islam has appropriated for the documentation of that history.[2] In the present paper a more detailed study of one particular aspect of the Islamic engagement with the past will be attempted, i.e. the past as an origin of legitimacy of authority. This too has already been touched upon, but only within a general discussion of other tools of legitimacy in Islam.[3] Special attention will be paid to the manner in which the Umayyads used the past to legitimize their dynastic authority.[4]

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[1] A first draft of this paper was read in the workshop: "Genesis and Regeneration", in The Israel Academy of Sciences and Humanities, Jerusalem, 2000.

[2] For example, Franz Rosenthal, "The Influence of the Biblical Tradition on Muslim Historiography", in Bernard Lewis *et al.*, eds., *Historians of the Middle East* (Oxford: Oxford University Press, 1962), 35–45; and Aziz al-Azmeh, "Chronophagous Discourse: a Study of Clerico-Legal Appropriation of the World in an Islamic tradition," in Frank E. Reynolds and David Tracy, eds., *Religion and Practical Reason: New Essays in the Comparative Philosophy of Religions* (Albany, State University of New York Press, 1994), 163–208.

[3] See general observations on the relation between legitimacy and narratives about the past in Fred M. Donner, *Narratives of Islamic Origins: the Beginnings of Islamic Historical Writing* (Princeton: Darwin Press, 1998), 112–22.

[4] Shortly before the final version of the present article had to be rushed to the publishers, my attention was drawn to Wadād al-Qāḍī's study, "The Religious Foundation of Late Umayyad Ideology," in *Saber religioso y poder político en el Islam: Actas del simposio internacional, Granada, 15–18 octubre 1991*, edited by Manuela Marín and Mercedes García-Arenal (Madrid: Agencia Española de Cooperación Internacional, 1994), 231–73. I am grateful to my colleague Dr. Camilla Adang for providing me with her copy of this publication. Al-Qāḍī's study is based solely on the letters of ʿAbd al-Ḥamīd, but nevertheless, most of her conclusions seem to be corroborated by the present paper.

I. *Pre-National Origins of Islam*

A study of the Islamic perception of the past must begin with some observations regarding the origins of Islam as perceived by the believers. Islam sees itself as the most authentic representative of a universal, supranational religion that has formed an inborn component of humankind since the first moment of Creation. This idea marks a distinctive feature of the Islamic self-image, which since the great Islamic conquests outside Arabia, became the ultimate justification for the spread of Islam throughout the world. Embracing Islam meant returning to the undistorted religious disposition that ought to have led all people all their lives.

A clear manifestation of Islam as representing a universal and supranational religion is found in traditions about the *fiṭrah*, i.e. the natural or inborn religion.[5] This term occurs in the following utterance attributed to the Prophet: "Every child is born in a state of *fiṭrah*, then his parents make him a Jew or a Christian or a Magian."[6] *Fiṭrah* here stands for the inborn religious status of a child, before external religious education has turned him into a conscious member of a distinctive religious congregation. Most Muslim scholars are of the opinion that this *fiṭrah* is synonymous with Islam,[7] which means that Islam in the eyes of the believers stands indeed for the supranational religious framework of humankind. On the individual level it coincides with a human being's first years of childhood. The fact that only later on he becomes a Jew or a Christian, etc., means that *fiṭrah* as identified with Islam, is not merely supranational but also pre-national.

The pre-national character of the *fiṭrah*/Islam comes out also on the collective level where it is identified with the first era of human history as shaped in the Old Testament and adopted by Muslim historiography. This is the era spanning between Adam and Abraham, and it is pre-national because the forefathers of the people of Israel were born only after Abraham.

Of the Biblical pre-national patriarchs, the one who is especially identified in Islam with the idea of the *fiṭrah*, is Abraham. Before

[5] See Camilla Adang, "Islam as the Inborn Religion of Mankind: the Concept of *fiṭra* in the Works of Ibn Ḥazm," *al-Qanṭara* 21 (2000): 391–410.

[6] For example, Muḥammad b. Ismāʿīl al-Bukhārī, *al-Ṣaḥīḥ*, (Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, 1958), 2:125 (23:93); A.J. Wensinck, *A Handbook of Early Muhammadan Tradition* (repr. Leiden, E.J. Brill. 1971), s.v. "Religion".

[7] For example, Aḥmad b. Ḥajar al-ʿAsqalānī, *Fatḥ al-bārī sharḥ Ṣaḥīḥ al-Bukhārī* (Būlāq: 1310/1892; reprinted Beirut: n.d.), 3:197–98.

looking at the material bearing this out, it may be observed that already in the Talmud Abraham appears as a self-made believer, one whose religion came from within his own self:

> R. Simeon b. Yoḥai said: "His [Abraham's] father did not teach him, nor did he have a teacher; whence then did he learn the Torah? The fact is, however, that the Holy One, blessed be He, made his two kidneys serve like two teachers for him, and these welled forth and taught him wisdom."[8]

Abraham's religion was embedded in him since childhood, as is clear in the following Talmudic saying: "Abraham was three years old when he acknowledged the Creator. . . ."[9]

In the Islamic sources as well the image of Abraham was molded on the same pattern of an ideal believer, and as such he was identified with the idea of the *fiṭrah*. The relevant material is contained in the exegesis of Qur'ān 2:124: "And when his Lord tried Abraham with words and he fulfilled them. . . ." A glance at the exegetical traditions recorded in the commentaries on this verse[10] reveals that the *fiṭrah* is explicitly labeled as Abraham's, and is described as a system of laws of purity, including circumcision (*khitān*),[11] shaving of hairy parts of the body, paring the nails,[12] etc.

Not only Abraham, but Noah too is associated in the Talmud with the idea of a supranational religion. This comes out in the idea of (seven) laws usually known as the "Noachian laws,"[13] i.e. the laws enjoined upon the sons of Noah, which preceded the laws given to Moses at Sinai, and are therefore obligatory upon all civilized nations and individuals. Circumcision is also sometimes considered a Noachian law, and Abraham, to whom the command of circumcision was given in Genesis 17:9–14, as well as his descendants until Sinai, are also accounted the sons of Noah.[14] But in other passages circumcision is a command fulfilled by Abraham apart from the Noachian laws.[15]

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[8] *Genesis Rabbah* 61 no. 1.

[9] *Nedarim* 32a.

[10] For example, Jalāl al-Dīn al-Suyūṭī, *al-Durr al-manthūr fī al-tafsīr bi-al-maʾthūr* (Beirut: Dār al-maʿrifah li-al-ṭibāʿah wa-al-nashr, n.d.), 1:111f.

[11] For which see M.J. Kister, "'. . . And He Was Born Circumcised . . .': Some Notes on Circumcision *ḥadīth*," *Oriens* 34 (1994): 10–30.

[12] See Kister, "Pare Your Nails: a Study of an Early Tradition", Near Eastern Studies in Memory of M.M. Bravmann, *The Journal of The Ancient Near Eastern Society of Columbia University* 11 (1979): 63–70.

[13] For example, *Sanhedrin* 56a.

[14] *Sanhedrin* 59a–b.

[15] *Yoma* 28b.

Whatever the case may be, Noah and Abraham appear in the Talmud as adhering to a supranational system of laws, in fact, a pre-national one, and pre-Moses in particular.

In the Old Testament and in the Jewish Midrash there is no continuous line yet in which the pre-national religion is forwarded through the generations, and Noah and Abraham appear as isolated instances of righteousness among generations of sin. This comes out clearly in the two following passages from the *Pirke Aboth*:[16]

2. There were ten generations from Adam to Noah to make known how great is His patience: for all those generations continued to anger Him until He brought upon them the waters of the Flood.
3. There were ten generations from Noah to Abraham to make known how great is His patience: for all those generations continued to anger Him until Abraham our father came and received the reward of them all.

Nevertheless, an idea about a successive line of a divine hereditary legacy running along those primordial generations begins to emerge in Jewish Hellenistic literature from the Second Temple period. In it, the unity of the human race between Adam and Noah is highlighted, and the patriarchs living in each generation have become links in a dynasty of leaders imposing their global authority on their human contemporaries, and bequeathing it to their offspring.

Most instructive is the manner in which the pre-national age is described in the apocryphal *Book of Jubilees*,[17] which was composed around 130 B.C.E. In Chapter 7:20–35 a list of seven laws enjoined by Noah to his sons is provided, which is obviously an elaboration on the Talmudic Noachian laws. In the present version they pertain to observing righteousness, covering their flesh, blessing their Creator, honoring their parents, loving their neighbor, avoiding fornication and impurity, and not shedding or eating blood. Concluding his address, Noah says to his sons:

> For thus did Enoch, the father of your father, command Methuselah, his son, and Methuselah his son Lamech, and Lamech commanded me all the things which his fathers commanded him. And I also will give you commandment, my sons, as Enoch commanded his son in the first

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[16] *Pirke Aboth*, 5: nos. 2–3.

[17] English version in R.H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament Vol. II: Pseudepigrapha* (Oxford: Oxford University Press, 1913).

> jubilees: while still living, the seventh in his generation, he commanded and testified to his son and to his son's sons until the day of his death.[18]

This passage conveys the idea that all humankind in the generations between Adam and Noah was unified under one unchanging system of laws, which were passed on from one ancestor to the other in a ceremonial commandment. Noah's own commandment was formed on the exact model of his ancestors.

The idea of a successive religious legacy recurs in the apocryphal book of Enoch, known as *The Secrets of Enoch*,[19] but here a most significant component is added to the legacy, that is, sacred scriptures, which turn the ancestors from lawgivers to prophets. The scriptures possessed by them are called "the books of their handwriting" which means that they committed to writing what was revealed to them by God. The books that are listed here are of the handwriting of Adam, Seth, Enosh, Kenan, Mahalalel, Jared and Enoch himself.[20] The latter is said to have written down 360 scriptures that an angel dictated to him.[21]

These books are of a universal message, as is indicated by the fact that God commanded that they be distributed "children to children, generation to generation, nations to nations."[22] They contained "all the Lord's works, all that has been from the beginning of creation and will be till the end of times."[23] On the other hand, the scriptures are also treated in Enoch as secret ones, and they will only be revealed to faithful people in generations to come.[24] In another apocryphal source, published as *1 Enoch*, the scriptures are written by Enoch as part of his last testament to his son Methuselah, whom he commands to keep the books and hand them over to the coming generations.[25]

The history between Adam and Noah was treated not only in religious apocrypha but also in the historical chronicle of Josephus Flavius, known as *Antiquities of the Jews*. Here the ancestors between

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[18] Book of Jubilees 7:38–39 in Charles, *The Apocrypha*. See also Uri Rubin, "Prophets and Progenitors in the Early Shīʿa Tradition," *Jerusalem Studies in Arabic and Islam* 1 (1979): 56.

[19] The Book of the Secrets of Enoch [Version A], in Charles, *The Apocrypha*.

[20] The Secrets of Enoch, 33:10, in Charles, *The Apocrypha*.

[21] The Secrets of Enoch, 23:6, in Charles, *The Apocrypha*.

[22] The Secrets of Enoch, 33:9, in Charles, *The Apocrypha*. Compare, Rubin, "Prophets and Progenitors," 58 n. 103a.

[23] The Secrets of Enoch, 47:2, in Charles, *The Apocrypha*.

[24] The Secrets of Enoch, 35:2, in Charles, *The Apocrypha*.

[25] *1 Enoch*, 82:1.

Adam and Noah are described as a dynasty of political and administrative leaders. Enosh the son of Seth, says Flavius, when he was nine hundred and twelve years old, "delivered the government to Kenan his son". About Jared the son of Mahalalel, Flavius says that "his son Enoch succeeded him." Enoch's son, Methuselah, "delivered the government" to his son Lamech, and Lamech in his turn, "appointed Noah, his son, to be ruler of the people." Noah "retained the government nine hundred and fifty years."[26]

In sum, the antediluvian ancestors between Adam and Noah, as perceived in the above non-Islamic sources, form a successive line of hereditary authority that is prophetic and religious as well as administrative and political.

II. *The Pre-National Prophets in Islamic Historiography*

This universal model became the prototype of the primordial version of Islam. Accordingly, Noah emerges in Islam as the founder of some basic Islamic precepts, which are described as a part of his last will (*waṣīyah*). A tradition enumerating them says that he gave his sons two commands and two prohibitions. The commands were: 1. To say "there is no god but Allāh"; this is the first component of the Islamic testimony of faith (*shahādah*). 2. To say "God be praised" (*al-ḥamdu li-Allāh*). The two prohibitions were: 1. Worshipping idols (*shirk*). 2. Arrogance (*kibr*).[27] The fact that one of Noah's commandments is to say the *shahādah* points clearly to the identity between Islam and the pre-national religion which has become its primordial model.

Moreover, in other traditions the universal pre-national religion is called "Islam". The most explicit of them is perhaps the one recorded in Ibn Saʿd (d. 230/845), in which ʿIkrimah, (a Medinan *mawlā* of Ibn ʿAbbās, d. 105/723) states: "There were ten generations between Adam and Noah, all of them Muslims" (*kāna bayna Ādam wa-Nūḥ*

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[26] Josephus Flavius, *The Life and Works of Flavius Josephus*, translated by William Whiston (Philadelphia: The John C. Winston Company, n.d.), Antiquities of the Jews, 1:3, 4. See Rubin, "Prophets and Progenitors," 56 with n. 95.

[27] Faḍl Allāh al-Jaylānī, *Faḍl Allāh al-ṣamad fī tawḍīḥ al-adab al-mufrad li-al-Bukhārī* (Ḥimṣ: al-Maktabah al-islāmīyah, 1969), 2:4–5. See also Abū Isḥāq Aḥmad b. Muḥammad al-Thaʿlabī, *Qiṣaṣ al-anbiyāʾ* (Beirut: al-Maktabah al-thaqāfīyah, n.d.), 51–52; Aḥmad b. Ḥanbal, *al-Musnad* (Beirut: al-Maktab al-islāmī li-al-ṭibāʿah wa-al-nashr, 1978), 2:170, 225.

ʿashratu qurūnin, kullu-hum ʿalā al-islām).[28] This tradition singles out the antediluvian era as the golden age of the pre-national Islamic religion.

The tradition just mentioned, as well as other similar ones, is also found in commentaries on Qurʾān 2:213: "The people were one nation (*ummah wāḥidah*), then God sent prophets with good tidings and with warnings . . .". Some of the commentaries on this verse take it to mean that the people were all true believers since the days of Adam, till they became divided after Noah.[29] This concentration on the antediluvian era is probably the result of the view, already present in the Old Testament, that after the Deluge, the descendants of Noah's sons were divided into three separate races, which marked the end of the universal predominance of one supranational religion. Nevertheless, in the Semite line of Noah's offspring, the pre-national, or rather, the pre-Israelite, period continues until Abraham, which explains why he too is still a follower of a universal code of religious laws.

Islamic historiography has also turned the patriarchs into no less than prophets sent by God to spread His religion among humankind. In some traditions, the first person ever to be sent by God to warn his people is Noah.[30] Enoch too is described as a prophet in traditions identifying him with Idrīs who is said to have been the first man to whom prophecy was given.[31] Alternately, Enoch/Idrīs is said to have been the first to be sent as a prophet after Adam.[32] In another tradition, Seth is the first prophet after Adam,[33] and Adam himself, so the tradition tells us on the authority of no other than Muḥammad, was the first prophet God sent.[34] Thus, Adam and Muḥammad became the

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[28] Muḥammaad b. Saʿd, *Kitāb al-ṭabaqāt*, edited by Iḥsān ʿAbbās (Beirut: Dār ṣādir li-al-ṭibāʿah wa-al-nashr, 1960), 1:42. The *isnād*: Sufyān ibn Saʿīd al-Thawrī (Kūfan, d. 161/778) ← his father ← ʿIkrimah. See also a tradition of Ibn al-Kalbī (d. 204/819) ← his father ← Abū Ṣāliḥ, ← Ibn ʿAbbās, in Muḥammad b. Jarīr al-Ṭabarī, *Tārīkh al-rusul wa-al-mulūk*, edited by Muḥammad Abū al-Faḍl Ibrāhīm (Cairo: Dār al-maʿārif, 1987), 1:189; edited by M.J. De Goeje *et al.* (Leiden: E.J. Brill, 1879–1901), 1:197.

[29] For details see Uri Rubin, "Pre-Existence and Light—Aspects of the Concept of Nūr Muḥammad," *Israel Oriental Studies* 5 (1975): 78.

[30] al-Ṭabarī, *Tārīkh*, 1:178; 1:183–184.

[31] ʿAbd al-Malik b. Hishām, *al-Sīrah al-nabawīyah*, edited by Muṣṭafā al-Saqqā, Ibrāhīm al-Abyādī, and ʿAbd al-Ḥāfiẓ Shalabī (Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, 1971), 1:3.

[32] Ibn Saʿd, *Kitāb al-ṭabaqāt*, 1:40, 54 (Ibn al-Kalbī); al-Ṭabarī, *Tārīkh*, 1:170; 1:172 (Ibn Isḥāq).

[33] Ibn Qutaybah, *Kitāb al-maʿārif*, edited by Muḥammad Ismāʿīl al-Ṣāwī (Beirut: Dār iḥyāʾ al-turāth al-ʿarabī, 1970), 26.

[34] Ibn Saʿd, *Kitāb al-ṭabaqāt*, 1:32, 54. The *isnād*: Abū ʿAmr al-Shām (ʿUbādah

two ends of the universal chain of prophets. This correlation between them has been noted in a tradition of Wahb b. Munabbih (Yemeni, d. 110/728) on the authority of Ibn ʿAbbās. Wahb declares that Adam was the first of God's messengers and Muḥammad the last.[35]

Islamic historiography has also taken up the idea of an antediluvian legacy being passed on from generation to generation in a hereditary line. The hereditary aspect has become the most crucial feature of the pre-national religion, which has provided Islam with the possibility to connect Muḥammad to the chain of prophets, and to make him their most notable heir. In fact, Islamic historiography turned the Prophet Muḥammad into the final destination of the course in which the divine legacy was forwarded from generation to generation, and thus Muḥammad's Islam became the final link in the sacred history of God's religion.

The linkage between Muḥammad's Islam and the pre-national religion of God determined the literary structure of the earliest available historiographical works composed by Muslims of the first Islamic era. They begin their historical survey not with Muḥammad, the putative founder of Islam, but rather with the creation of the world and the history of its inhabitants, from Adam on. In this manner, they wished to indicate that Muḥammad's Islamic legacy was identical with the divine legacy that was transmitted from generation to generation since Adam.

The best example that bears this out is Ibn Isḥāq, one of the first systematic biographers of Muḥammad (d. 150/768). His work is usually known in the edition of Ibn Hishām, but the latter does not contain the first part of the original work which has only been preserved by al-Ṭabarī in his famous Book of History (*Tāʾrīkh al-umam wa-al-mulūk*).[36] Al-Ṭabarī quotes Ibn Isḥāq through the traditionist Salamah b. al-Faḍl (d. 191/807), whose version of Ibn Isḥāq is considered the most reliable one.[37] Most of the material quoted by Ibn Isḥāq in this part is derived from Jewish sources whom Ibn Isḥāq often calls "people of the first book" (*ahl al-kitāb al-awwal*), i.e. the Torah.[38]

b. Nusayy) (Syrian, d. 118/736) ← ʿUbayd ibn al-Khashkhāsh ← Abū Dharr al-Ghifārī (Companion, d. 32/652–3) ← Prophet. See also al-Ṭabarī, *Tārīkh*, 1:151; 1:152), where Abū Dharr is quoted by Abū Idrīs al-Khawlānī (ʿĀʾidh Allāh b. ʿAbd Allāh) (Syrian, d. 80/699).

35 Ibn Qutaybah, *Kitāb al-maʿārif*, 26.

36 Compare Rubin, "Prophets and Progenitors," 57–58.

37 Compare Rubin, "Prophets and Progenitors," 57 n. 101 (from *Tārīkh Baghdād*).

38 For example, Ṭabarī, *Tārīkh*, 1:139; 1:139–40.

Ibn Isḥāq's account bears a considerable resemblance to the *Book of Jubilees*, especially with respect to the names of the old patriarchs' wives, which he provides. They are identical to those recorded in the *Book of Jubilees*, although they have been distorted in the available Arabic text of al-Ṭabarī.[39]

The idea of hereditary authority is represented most clearly in Ibn Isḥāq's account as quoted by al-Ṭabarī. Ibn Isḥāq tells us that when Adam was about to die, he called his son Seth and appointed him his heir. He informed his son of the approaching Deluge and wrote his testament (*waṣīyah*) for him. Seth acted as Adam's legatee (*waṣīy*) and inherited the government (*al-riʾāsah*) from him. According to a tradition, which Ibn Isḥāq quotes on the authority of Muḥammad, God revealed to Seth fifty scriptures (*ṣaḥīfah*).[40]

Thus the basic features of the hereditary authority as delineated in the Jewish sources has been faithfully reproduced by Ibn Isḥāq. The ancestors in his description, too, are links in a genealogical line of leaders who possess an authority of a clear prophetic, religious, as well as administrative nature. Seth inherits government from his father, and God reveals scriptures to him.

Ibn Isḥāq says also that after writing his testament, Adam died and the angels assembled around him because he was God's chosen person (*ṣafīy al-raḥmān*).[41] This title makes it clear that the persons possessing the hereditary legacy are not merely links in a successive dynasty, but at the same time are also individuals chosen by God for their holy mission. Hereditary succession and divine election are therefore two complementary aspects of their authoritative status.

The hereditary legacy consists of some concrete emblems of authority. Ibn Isḥāq relates that Seth collected the items included in Adam's legacy, among which was the horn (*qarn*) that Adam had brought from Paradise. They were put on lofty stairs (*miʿrāj*) to make sure that no one forgot them.[42]

Seth was succeeded by Enoch, about whom Ibn Isḥāq says that he took over the administration of the realm (*qāma bi-siyāsati al-mulk*), and the guidance of the subjects under his control (*wa-tadbīr man taḥta*

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[39] See Rubin, "Prophets and Progenitors," 58 n. 109; Franz Rosenthal, trans., *The History of al-Ṭabarī Volume I: General Introduction and From the Creation to the Flood* (Albany: State University of New York Press, 1989), 317 n. 903.
[40] al-Ṭabarī, *Tārīkh*, 1:152; 1:153.
[41] al-Ṭabarī, *Tārīkh*, 1:159; 1:161.
[42] al-Ṭabarī, *Tārīkh*, 1:159; 1:161.

yaday-hi min raʿīyati-hi). He continued in his father's way, and no one ever noticed that he changed anything in it.[43] Here another crucial feature of the legacy comes out, namely, that it ought to remain unchanged, because change means deviation from the original and ideal state of God's religion. Defending the legacy against change and innovation is the divine duty of each person in the chosen dynasty.

Further on the people of the Torah are quoted concerning the revelation of thirty scriptures to Enoch and about his combat against the rebellious sons of Cain. It is stated that Enoch was his father's legatee (*waṣīy*) in accordance with what his father's forefathers had enjoined (*awṣaw*) upon him and upon each other.[44]

Enoch, so another account from the people of the Torah goes, before he ascended to heaven, appointed (*istakhlafa*) his son Methuselah as his successor, to be in charge of God's government (*ʿalā amr Allāh*).[45] This is perhaps the most explicit manifestation of the two complementary aspects of the authority of the ancestors. They are both heirs to their fathers as well as God's deputies who are in charge of His government. Thus, the hereditary legacy forms the core of God's religion on earth.

From the people of the Torah it is also reported that Lamech was born to Methuselah, and Methuselah maintained his forefathers' obedience to God and their faithfulness to God's commandments (*ʿuhūd*). When Methuselah was about to die, he appointed his son Lamech as his successor (*istakhlafa*) to be in charge of his government (*ʿalā amri-hi*), and enjoined upon him the same unchanging legacy as his ancestors had enjoined upon him.[46]

Historiographers later than Ibn Isḥāq repeated the accounts about the successive legacy of the antediluvian patriarchs. Ibn al-Kalbī (Hishām b. Muḥammad, d. 204/819), for example, provides an account on the authority of his father, which is traced back to Ibn ʿAbbās. It was recorded by Ibn Saʿd as well as al-Ṭabarī. Ibn al-Kalbī delineates the successive transmission of the legacy (*waṣīyah*) from Seth to Enosh, and on to Kenan, Mahalalel, Jared, Enoch, Methuselah and Lamech the father of Noah.[47]

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[43] al-Ṭabarī, *Tārīkh*, 1:163; 1:164–65.
[44] al-Ṭabarī, *Tārīkh*, 1:170; 1:173.
[45] al-Ṭabarī, *Tārīkh*, 1:172–73; 1:176–77.
[46] al-Ṭabarī, *Tārīkh*, 1:173; 1:178.
[47] Ibn Saʿd, *Kitāb al-ṭabaqāt*, 1:39, 40; al-Ṭabarī, *Tārīkh*, 1:163, 164, 174; 1:165–66, 179; Rubin, "Prophets and Progenitors," 59.

As for the period from Noah to Abraham, neither Ibn Isḥāq nor Ibn al-Kalbī delineate an uninterrupted course of the hereditary legacy during these generations. The reason seems to be that Abraham is regarded as opening a period of his own, being a believer born to pagan ancestors who could not act as bearers of any legacy of righteousness. The same applies to the above-mentioned Jewish sources, where the successive line of the legacy is only described between Adam and Noah.

However, the interest Muslim historiographers took in the successive transmission of the legacy in the antediluvian period is evidence enough that they regarded this period as the first stage of the history of Islam itself, and that they considered Muḥammad as heir to that same unchanging legacy. That this was indeed so is indicated especially in the above traditions that identify the pre-national religion with Islam.

III. *The Israelite Prophets and Muḥammad*

Muslim historiographers have also dedicated much room to the period spanning between the pre-national era and Muḥammad, which consists of the history of the Jews and the Christians. Their prophets provide the essential bridge linking between the pre-national era and Muḥammad himself.

Ibn Isḥāq's account of these prophets begins with Isaac the son of Abraham,[48] and ends with Jesus and his disciples.[49] Al-Ṭabarī himself, who quotes Ibn Isḥāq's traditions about the Israelite prophets, has interpolated among them additional traditions from other sources, and in some of them explicit mention is made of the transmission of the legacy from one Israelite generation to another. Thus, for example, the transition of the *waṣīyah* from Jacob to Joseph,[50] and from Joseph to Judah his brother is mentioned explicitly.[51]

A detailed description of a successive authority running along the generations since Adam, and continued through the Israelites, is provided by the Shīʿī author al-Yaʿqūbī (d. 283/897). His *History* abounds

[48] al-Ṭabarī, *Tārīkh*, 1:317; 1:354–55.
[49] al-Ṭabarī, *Tārīkh*, 1:602–604; 1:737–39.
[50] al-Ṭabarī, *Tārīkh*, 1:364; 1:413.
[51] al-Ṭabarī, *Tārīkh*, 1:363; 1:413.

with quotations from the Bible and other Jewish and Christian sources,[52] and they form the axis around which his account of the pre-Islamic history revolves. His work has been defined as "the earliest universal chronicle in Arabic in the sense of a work going from the Creation down to his own time,"[53] but this can only be true if Ibn Isḥāq is not taken into account.

Thus the Israelite prophets have become the intermediaries between Muḥammad and the pre-national stage of history. This means that Islam has turned them into legitimate representatives of the primordial religion of God.

The Muslims paid special attention to the relationship between the last Israelite prophet, namely Jesus, and Muḥammad. Chronologically speaking, Jesus was the closest Israelite prophet to Muḥammad, and this closeness in time was turned in Islam into a blood relationship. This is the intent of a tradition transmitted by Abū Hurayrah (Companion, d. 57/677), in which Muḥammad declares: "I am the closest person (*awlā al-nās*) to Jesus the son of Mary in this world and in the world to come." When asked how this could be, the Prophet went on explaining: "The prophets are brothers born to fellow-wives (*ʿallāt*), i.e. their mothers are various and their religion is the same. There is no prophet between me and him."[54]

The prophets are likened here to sons of the same father by various mothers, the father being the one unchanging religion of God that unites them all, and this makes them brothers in the same religion, and among them Jesus and Muḥammad are the closest pair. Their various mothers, so it was explained by some Muslim scholars, represent their various types of *sharīʿah*, i.e. the distinctive religious laws which differ from one monotheistic community to the other.[55]

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[52] On Yaʿqūbī's sources for the Biblical period and especially the Arabic translation of the Syriac *Book of the Cave of Treasures*, see Adang, *Muslim Writers on Judaism and the Hebrew Bible: From Ibn Rabban to Ibn Ḥazm* (Leiden: E.J. Brill, 1996), 117–20, and the bibliography therein.

[53] Stephen R. Humphreys, *Islamic History: a Framework for Inquiry* (Minneapolis: Bibliotheca Islamica, 1988), 75.

[54] Muḥammad ibn Aḥmad b. Ḥibbān al-Bustī, *al-Iḥsān fī taqrīb Ṣaḥīḥ Ibn Ḥibbān, tartīb ʿAlāʾ al-Dīn al-Fārisī*, edited by Shuʿayb al-Arnaʾūṭ (Beirut: Muʿassasat al-risālah, 1988), 14: no. 6194. See also Ibn Ḥibbān, *al-Iḥsān fī taqrīb Ṣaḥīḥ*, 14: no. 6195; al-Bukhārī, *al-Ṣaḥīḥ*, 4:203 (60:48); Muslim b. al-Ḥajjāj al-Qushayrī, *al-Ṣaḥīḥ* (Cairo: Maṭbaʿat Muḥammad ʿAlī Ṣubayḥ wa-awlādi-hi, 1916), 7:96 (43, *Bāb faḍāʾil ʿĪsā*); Abū Dāwūd, *al-Sunan* (Cairo: Maṭbaʿat Muṣṭafā al-Bābī, 1952), 2:522 (39:13); Ibn Ḥanbal, *al-Musnad*, 2:319, 406, 437, 463–64, 482, and 541.

[55] For example, Ibn Ḥajar, *Fatḥ al-bārī*, 6:354.

The need to emphasize the affinity of Jesus and Muḥammad was probably the result of the fact that Jesus was succeeded by several generations of Christian disciples, of whom Islam was well aware, as is indicated by the many reports about them in Islamic sources. They can be traced mainly in the commentaries on various Qur'ānic verses, which were interpreted as dealing with the interval (*fatrah*)[56] between Jesus and Muḥammad.[57] In view of these reports about Jesus' Christian successors, it may be assumed that the tradition highlighting Muḥammad's own relationship to Jesus was designed to imply that Muḥammad, rather than Jesus' Christian followers, is the most authentic representative of the religious message of Jesus. The anti-Christian polemical gist is clear enough here.

Just as Muḥammad was said to have been the closest person to Jesus, he was also presented as the closest one to Moses, and in this case the polemical message is not anti-Christian but rather anti-Jewish. It comes out in traditions recounting the history of the 'Āshūrā' day. In some of them a relationship between this day and the Jewish Day of Atonement is implied. It is related that when Muḥammad came to Medina after his *hijrah* from Mecca, he found out that the Jews of that city used to fast on the day of 'Āshūrā'. He asked them to tell him the reason for that, and they told him that this day was a holiday because on it God delivered the Children of Israel from their enemies, and therefore Moses had fasted on this day. Then Muḥammad said to the Jews: "I am more worthy of Moses than you are" (*anā aḥaqqu bi-Mūsā min-kum*), and thereupon he started to fast on the day of 'Āshūrā' and ordered the Muslims to follow suit.[58] This means that the Islamic *ummah* and not the Jews are the most authentic bearers of the legacy of Moses.

In another version, transmitted on the authority of Muḥammad's companion Abū Hurayrah, the history of 'Āshūrā' shoved even further back, deep into the pre-national stage of history. The Jews explain to Muḥammad that this day was a holiday for them not only because of God's salvation in the time of Moses, but also because on that

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[56] Compare Qur'ān 5:19.

[57] The verses are mainly these: Qur'ān 36:13f.; 18:9f.; 85:4. And see also Ibn Sa'd, *Kitāb al-ṭabaqāt*, 1:53.

[58] al-Bukhārī, *al-Ṣaḥīḥ*, 3:57 (30:69); Ibn Ḥanbal, *al-Musnad*, 1:291, 310. The *isnād*: Sa'īd b. Jubayr (Kūfan, d. 95/713–14) ← Ibn 'Abbās. In another version with the same *isnād*, *awlā* is used instead of, or in addition to, *aḥaqqu*. See al-Bukhārī, *al-Ṣaḥīḥ*, 4:186 (60:24); Ibn Ḥanbal, *al-Musnad*, 1:336.

day Noah's Ark landed on dry land (on the mountain Jūdī), and therefore Noah fasted in gratitude.[59] Thus the Islamic religious legacy has been rooted in a universal channel encompassing Noah and Moses and ending up with Muḥammad.

Not only Moses but David too is a typical Jewish symbol of salvation and victory, and here again Muḥammad has been turned into his worthiest heir. The traditions establishing the link between David and Muḥammad revolve around Muḥammad's private belongings, which formed an important part of his legacy. Among the effects he left behind was the mail coat (*dirʿ*), which protected him on the battlefield, and according to a tradition, it was a legacy of David. David was clad in it when he confronted Goliath.[60]

All these traditions demonstrate the perception of Muḥammad's Islam as originating in the divine and unchanging legacy that God entrusted with all the prophets since Adam. Therefore Muḥammad's Islam is the only faith to which all humankind should adhere.

In further traditions the concept of the unchanging divine legacy that transmigrates through the generations from Adam to Muḥammad has been combined with the idea of Muḥammad's pre-existence.[61] The successive legacy has been identified with Muḥammad's own pre-existent entity. Thus this universal legacy was entirely Islamized in the sense that Muḥammad became its first origin. The prophets have become mere vessels carrying the pre-existent Muḥammad. In one of these traditions, recorded by Ibn Saʿd, the following statement has been attributed to Muḥammad:

> I was brought forth from amongst the best generations of the sons of Adam, generation after generation, until I was brought forth from the generation in which I live. *Buʿithtu min khayri qurūni banī Ādam qarnan fa-qarnan ḥattā buʿithtu min al-qarni alladhī kuntu fī-hi*.[62]

As already pointed out by Goldziher,[63] this tradition speaks about the same prophet—i.e. the pre-existent Muḥammad—who has appeared

[59] Ibn Ḥanbal, *al-Musnad*, 2:359–60.

[60] Abū Saʿd ʿAbd al-Malik b. Abī ʿUthmān al-Khargūshī, *Sharaf al-nabī* (MS British Library, Or. 3014), fol. 161b; Ibn Shahrāshūb, *Manāqib āl Abī Ṭālib* (Najaf: al-Maṭbaʿah al-ḥaydarīyah, 1956), 1:147.

[61] For which see Rubin, "Pre-Existence and Light," 62–119.

[62] Ibn Saʿd, *Kitāb al-ṭabaqāt*, 1:25. Compare Rubin, "Pre-Existence and Light," 71–72. The *isnād*: ʿAmr b. Abī ʿAmr [= Maysarah, a *mawlā* of al-Muṭṭalib b. ʿAbd Allāh] (Medinan, d. 144/761) ← Saʿīd al-Maqburī (Medinan, d. 123/741) ← Abū Hurayrah ← Prophet.

[63] Ignaz Goldziher, "Neuplatonische und gnostische Elemente im Ḥadīṯ," *Zeitschrift für Assyriologie und verwandte Gebiete* 22 (1909): 340.

among humans, generation after generation (*qarnan fa-qarnan*), until at last he arose as Muḥammad.[64] It follows that this tradition, which also appears in Bukhārī's *Ṣaḥīḥ*,[65] as well as in other sources,[66] identifies the divine legacy that has been transmitted from generation to generation not merely with Islam but also with Muḥammad himself. The course of its transmission is not confined to any specific era but is infinite in the sense that it encompasses all human generations which ever existed until Muḥammad. The basic idea is that the generations along which the legacy passed were the best, i.e. they constituted a chosen pedigree that reached up to Muḥammad.

More traditions of the same intent can easily be pointed out by recourse to the commentaries on a Qur'ānic verse, 26:219. This verse deals with the Prophet's movement (*taqallub*) among those who prostrate themselves (*al-sājidīn*). A tradition of Ibn ʿAbbās as recorded by Ibn Saʿd says that the Qur'ān speaks here about the transmigration of Muḥammad "from prophet to prophet and from prophet to prophet, till God brought him forth as a prophet."[67]

In sum, the idea of divine authoritative legacy running along the generations and delivered to the people through the messages of the various prophets has been identified with Muḥammad's pre-existent entity, which brings the concept of the universal origins of Islam to its utmost elaboration.

IV. *The Umayyad Caliphs*

The relationship established between Islam and the universal and supranational religion was designed to ensure legitimacy for the Islamic domination over the older communities, i.e. the Jews and the Christians. The latter observed with astonishment the Islamic conquests that brought to an end their own hegemony in world history. To justify this drastic change of authority caused by its takeover of old empires,

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[64] I now realize that my criticism of Goldziher concerning the significance of this tradition (Rubin, "Pre-Existence and Light," 72 n. 27) was unjustified.

[65] al-Bukhārī, *al-Ṣaḥīḥ*, 4:229 (61:23).

[66] Aḥmad b. al-Ḥusayn b. ʿAlī al-Bayhaqī, *Dalā'il al-nubūwah*, edited by ʿAbd al-Muʿṭī Qalʿajī (Beirut: Dār al-kutub al-ʿilmiyyah, 1988), 1:175; al-Suyūṭī, *al-Khaṣā'iṣ al-kubrā*, edited by Muḥammad Khalīl Harās (Cairo: Dār al-kutub al-ḥadīthah, 1967), 1:94.

[67] Ibn Saʿd, *Kitāb al-ṭabaqāt*, 1:25. The *isnād*: al-Ḍaḥḥāk b. Makhlad al-Shaybānī (Baṣran, d. *ca.* 212/827) ← Shabīb ibn Bishr (Ḥalabī/Kūfan) ← ʿIkrimah ← Ibn ʿAbbās. See also Goldziher, "Neuplatonische und gnostische Elemente im Ḥadīṯ," 340. Compare Rubin, "Pre-Existence and Light," 80 with n. 78.

Islam had to anchor its own origins in the universal past. From there it strove to draw legitimacy for its authority and confirm its identity as a community that has replaced Judaism and Christianity and has become the new guardian of God's religious legacy.

But the Islamic link to the universal legacy of divine authority was designed to serve not only external purposes but also internal necessities. There were tensions and struggles within Islamic society itself that were focused on the claim to authority. The various parties tried to link themselves to the divine chain of universal authority, and thus gain the status of the only legitimate guardians of God's eternal religion.

The main parties to this struggle for authority in Islamic society of the first Islamic era were two opposing dynasties, the Umayyad and the Shīʿī ones. Each tried to gain recognition as Muḥammad's exclusive heirs from whom they inherited the universal legacy that he had received from the previous prophets. The Shīʿī side of the matter has already been clarified elsewhere,[68] but the Umayyad one seems to deserve further consideration.

The Umayyads, whose center was in Damascus, Syria, were the first to introduce dynastic government into Islam. Their dynastic rule began in 41/661, after the period of the Righteous Caliphs whose center had been in Medina (Abū Bakr, ʿUmar, ʿUthmān). The first rulers of the Umayyad dynasty belonged to the Sufyānī family, i.e. the descendants of Abū Sufyān, father of Muʿāwiyah, who was the first Umayyad caliph (r. 41–58/661–80). The Sufyānīs were succeeded by the Marwānī branch of the Umayyads, the first of whom was ʿAbd al-Malik son of Marwān, who ascended in 64/684.

IV.1 *The Evidence of Walīd's Letter*

The manner in which the Umayyads tried to base their own dynastic authority on the hereditary legacy of the prophets is best reflected in a letter sent to the garrison cities on behalf of the Umayyad caliph Walīd II (r. 25–26/743–44) concerning the designation of his successors. The Arabic text was preserved in al-Ṭabarī's *Tā'rīkh*.[69] Various scholars already noted the importance of the letter, and P. Crone

[68] Rubin, "Prophets and Progenitors," 41–65. See also Etan Kohlberg, "Some Shīʿī Views on the Antediluvian World," *Studia Islamica* 52 (1980): 41–66.
[69] al-Ṭabarī, *Tārīkh*, 7:219–220; 2:1757.

and M. Hinds carried out the most recent study of it.[70] I believe, however, that the letter still deserves examination because not all its aspects have been noticed yet, let alone some errors in its English translation as offered by Crone and Hinds.

In this letter the caliph tries to anchor the dynastic principle of hereditary authority in the past. The letter sees in history two major phases, or eras: Universal and Islamic.

The Islamic era in Walīd's letter begins with the Prophet Muḥammad. This is not as obvious as it may seem, because Crone and Hinds claim that in this letter the Islamic era does not begin with Muḥammad but rather with the caliphs who ruled after him. In their own words: "Al-Walīd here sketches out a salvation history divided into two eras, one of prophets and another of caliphs". Muḥammad, in their interpretation of the letter, "represented the culmination of prophethood and on his death the era of the prophets came to an end. The era of the caliphs began when, on the death of Muḥammad, God raised up deputies to administer the legacy of His prophets." Crone and Hinds go on to stress that "What is so striking about this letter is that caliphs are in no way subordinated to prophets (let alone to the Prophet). Prophets and caliphs alike are seen as God's agents, and both dutifully carry out the tasks assigned to them, the former by delivering messages and the latter by putting them into effect. The caliphs are the legatees of prophets in the sense that they administer something established by them, but they do not owe their authority to them (let alone to Muḥammad on his own). Their authority comes directly from God."[71]

But in Walīd's letter Muḥammad does open the Islamic era, and the caliphs, who represent God's religion among humans (which makes them God's deputies), do owe their immediate status to Muḥammad. They are his heirs as guardians of God's legacy, just as he is heir to the previous prophets. This comes out clearly in that passage of the letter in which the emergence of Muḥammad is described. It is stated here that Muḥammad emerged as a prophet at a time when knowledge was obliterated and people were blind, with evil deviations and frictions tearing them apart. Through Muḥammad, so the letter says,

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[70] Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1990), 26–28. Full translation is provided in 118f.

[71] Crone and Hinds, *God's Caliph*, 27.

God guided the blind and restored light to them, and through him God "revived the religion (*wa-abhaja bi-hi al-dīn*)". The letter goes on to say that many of Muḥammad's nation responded to him and became adherents of the religion with which God had honored them. No one of Muḥammad's adherents was ever heard denying the truth of God's message as revealed to the previous prophets, without being punished by the believers for his disbelief.

Such an exposition of the situation into which Muḥammad emerged as a prophet leaves no doubt as to the role assigned to him here. He is clearly the first religious leader in a new era in which belief in God is renewed and the darkness of disbelief is turned into light of knowledge and faith. This is evidently the idea, well known from many other Islamic texts, according to which Muḥammad's emergence put an end to the ignorance of the *jāhilīyah*.

All this is recounted in the letter only to draw a comparison between Muḥammad and the caliphs who succeeded him. According to the letter, the caliphs, like Muḥammad, are meant to secure the endurance of the revived religion that had been preached by all the prophets, and therefore everyone must obey them, while God Himself will punish anyone who rejects them.

The caliphs, according to the letter, are God's deputies in the sense that they must protect a divine legacy, but their actual authority is explicitly hereditary. This authority is called in the letter *amr*, which term appears in the following passage of the letter:[72]

> When God took away His prophet and sealed His revelation with him, He appointed his caliphs as His deputies in the vein of His prophethood (*ʿalā minhāj nubūwati-hi*). . . . The caliphs of God followed one another (*fa-tatābaʿa*), adhering to the matter (*amr*) of His prophets, which God had caused them to inherit (*awratha-hum*), and He appointed them to be in charge of it on His behalf (*wa-stakhlafa-hum ʿalay-hi min-hu*).[73]

The term *amr*, which here denotes "authority", or "government", recurs in the above texts pertaining to the antediluvian stage of history. For example, we have seen that Enoch is said to have appointed (*istakhlafa*) his son Methuselah as his successor, to be in charge of God's government (*ʿalā amr Allāh*). Here, as in the letter, *amr* appears in juxtaposition with *istakhlafa*, the verb that describes the appointment of

[72] al-Ṭabarī, *Tārīkh*, 7:220; 2:1757–58.

[73] Crone and Hinds provide a different, less accurate, translation of the passage. Crone and Hinds, *God's Caliph*, 120.

a successor to be in charge of the legacy. Just as the antediluvian ancestors were nominated by their fathers to be in charge of the divine *amr*, so the caliphs, according to the letter, were made by God heirs to the prophets from whom they inherited their actual authority as defenders of the divine hereditary legacy.

In fact, the letter itself refers to those remote stages of the past and sees in them the starting point of the divine authority inherited by the Umayyad caliphs through Muḥammad. These stages are described in the very first passage of the letter. The English translation of this passage in Crone and Hinds' *God's Caliph* is erroneous, and misses the idea of successive authority that is being conveyed here. Due to this error, Crone and Hinds believe to find in the letter support to their supposition that the Umayyads did not see themselves as Muḥammad's heirs, only as God's deputies. The original Arabic text is this:

> *ammā baʿdu, fa-innā Allāha . . . ikhtāra al-islāma dīnan li-nafsi-hi wa-jaʿala-hu dīna khayrati-hi min khalqi-hi, thumma iṣṭafā min al-malāʾikati rusulan wa-min al-nāsi, fa-baʿatha-hum bi-hi wa-amara-hum bi-hi, wa-kāna bayna-hum wa-bayna man maḍā min al-umami wa-khalā min al-qurūnī qarnan fa-qarnan, yadʿūna ilā mā hiya aḥsanu wa-yahdūna ilā ṣirāṭin mustaqīmin, ḥattā intahat karāmatu Allāhi fī nubūwati-hi ilā Muḥammadin (ṣ)* . . . [74]

Crone and Hinds render the passage as follows:

> To continue, God . . . chose Islam as His own religion and made it the religion of the chosen ones of His creation. Then He selected messengers from among angels and men, and He sent them with it and enjoined it upon them. So there was between them and the nations which passed away and the generations which vanished, generation upon generation [events of the type described in the Qurʾān, but they continued to?] call to 'that which is better and guide to a straight path. Ultimately the grace of God [as manifested] in His prophethood reached Muḥammad . . .[75]

The words that Crone and Hinds add in square brackets are only a suggestion by which they try to explain a sentence that they fail to understand correctly. The sentence is this:

> *Wa-kāna bayna-hum wa-bayna man maḍā min al-umami wa-khalā min al-qurūnī qarnan fa-qarnan.*

[74] al-Ṭabarī, *Tārīkh*, 7:219; 2:1757.
[75] Crone and Hinds, *God*'s *Caliph*, 118–119.

The correct translation seems to be this:

> It [i.e. the religion of Islam] remained among them [i.e. the messengers] and among the past nations and the bygone generations, generation after generation (*qarnan fa-qarnan*).

It is thus clear that this is a complete and coherent Arabic sentence with no lacuna, in contrast to what Crone and Hinds have assumed.[76] The subject of the sentence is the same as the one to which the entire passage is dedicated, namely the religion of Islam that God chose to be His religion and made the religion of His chosen messengers, whom He sent to preach it to their respective peoples.

The key words in the sentence are: *qarnan fa-qarnan* which have the same meaning here as in the above tradition about the transmigration of Muḥammad's pre-existent entity through the generations of the prophets. Here and there the idea is the same: the prophets have belonged to a successive chain of a hereditary divine legacy, which in the letter is identified as the Islamic faith and in the above tradition as the pre-existent Muḥammad. In both instances the legacy is unchanging, and is being forwarded to posterity, generation after generation (*qarnan fa-qarnan*), till the manifestation of Muḥammad's own Islam.

In view of this, the proper translation of the entire passage seems to be as follows:

> To continue, God . . . chose Islam as His own religion and made it the religion of the chosen ones of His creation. Then He selected messengers from among angels and men, and He sent them with it and enjoined it upon them. It [i.e. the religion of Islam] remained among them [i.e. the messengers] and among the past nations and the bygone generations, generation after generation, [during which time] they [i.e. the prophets] were calling to that which is better and guiding to a straight path. [They continued to do this] till at last the grace of God [as manifested] in His prophethood reached Muḥammad . . .

In sum, the universal stage of the course of the hereditary legacy, as described in the letter, reflects the same concept of hereditary authority as witnessed in the above Jewish texts as well as in Ibn Isḥāq. The description of this stage in the letter is designed to furnish the authority of the Umayyad dynasty with the remotest origins in the past. The letter asserts that the caliphs who have inherited the universal legacy

[76] Crone and Hinds, *God's Caliph*, 118–119 n. 3.

of the prophets were put in charge of God's religion after Muḥammad's death, and their duty now is to protect it from distortion and pass it on to the coming generations through their own chosen pedigree. This is the reason why people are obliged to obey them, because obeying them means obeying the eternal religion of God.

This is the appropriate context of the status of the Umayyads as God's deputies. They are His deputies in the sense that they are guardians of God's religion, but they only gained this status thanks to the fact that God chose to make them Muḥammad's legatees.

IV.2 *The Evidence of Umayyad Poetry*

Authentic presentation of the Umayyad self-image may be found not only in Walīd's letter but also in Umayyad court poetry. It is authentic in the sense that the poets praising the Umayyads created an image for them that reflected what they liked to hear about themselves (and paid good money for). Here too Muḥammad is placed at the beginning of the Islamic era, and the evidence for this perception is found mainly in the poetry of Farazdaq (d. 112/730).

That Farazdaq indeed placed Muḥammad at the beginning of the Islamic era is clear from those verses in which he praises the caliph Sulaymān (r. 96–99/715–717). The poet describes him as a source of mercy to humankind, whom God sent to heal all sore wounds, like Muḥammad whom God sent at a time of recess (*ʿalā fatrah*), when people were like beasts (*bahāʾim*).[77] Here again it is clear that Muḥammad marks the revival of God's religion at a time of beastliness (that is, *Jāhilīyah*) caused by the interval in the line of prophets. Sulaymān's mission is to maintain the survival of God's religion that was revived through Muḥammad, and eliminate all the "wounds" of deviation from it. In short, his mission is to protect Muḥammad's legacy that has reached him through his own Umayyad ancestors.

Furthermore, Muḥammad appears in Farazdaq's verses as the ultimate origin of the Umayyad authority. Crone and Hinds would not agree with this observation, because in their analysis of the Umayyad poetry they contend that "though Muḥammad is now clearly invoked to legitimate the caliphate, it is to God on the one hand and ʿUthmān

[77] Hammām ibn Ghālib al-Farazdaq, *Dīwān* (Beirut, Dār ṣādir li-al-ṭibāʾah wa-l-nashr, 1960), 2:309, 4–5.

on the other that the caliphs are directly indebted for their authority."[78]

However, although ʿUthmān features in Farazdaq as a model of authority, he is not the ultimate one, because he in turn owes his authority to Muḥammad, who again appears as the first in the era of the renewed religion of God. ʿUthmān is mentioned here mainly thanks to being an Umayyad ancestor of the Marwānīs on the one hand and the third of the Righteous Caliphs on the other. But the first two Righteous Caliphs, Abū Bakr and ʿUmar, are mentioned too, and all three are considered as links in a hereditary chain of chosen persons appointed by God to protect and look after Muḥammad's legacy.

That this is indeed the case is indicated, to begin with, in another verse praising the Umayyad caliph Sulaymān. Farazdaq states here that no shepherd equaling this caliph has risen upon earth since the death of the Prophet Muḥammad and ʿUthmān.[79] Thus ʿUthmān emerges as a link in a line of model leaders that begins with Muḥammad. Moreover, in another verse conveying the same idea, ʿUthmān's name is not mentioned explicitly, only that of Muḥammad. This time the poet addresses the caliph Yazīd II (r. 101–105/720–24), saying: "After Muḥammad and his Companions, Islam has not found a shepherd like you for the religion."[80] Clearly the Umayyad caliph is imagined here as a link belonging to a successive chain beginning with Muḥammad and continued through his Companions, i.e. the Righteous Caliphs.

The Umayyads placed the Righteous Caliphs, namely, Abū Bakr, ʿUmar and ʿUthmān (ʿAlī was not recognized by them as a legitimate caliph) as intermediaries between themselves and the Prophet. They saw in them spiritual models and considered themselves heirs to their religious legacy.

As for the first caliph, Abū Bakr, Farazdaq associates him with Muḥammad's legacy. The poet describes him as an *imām* and a scholar (*ʿālim*) who is authorized more than anyone else to interpret (*taʾwīl*) what Muḥammad has enjoined (*waṣṣā*) upon the people.[81] The Umayyads themselves, says Farazdaq, are heirs to the *waṣīyah* of the "Second of the Two after Muḥammad" (*thānī ithnayn baʿda Muḥam-*

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[78] Crone and Hinds, *God's Caliph*, 31.
[79] al-Farazdaq, *Dīwān*, 2:89, 6.
[80] al-Farazdaq, *Dīwān*, 2:352, 9.
[81] al-Farazdaq, *Dīwān*, 2:62, 7.

madin).[82] This is Abū Bakr's well-known Qur'ānic epithet;[83] it was applied to him to assert that he was the first legitimate caliph after Muḥammad. The allusion to Abū Bakr's *waṣīyah* is an explicit indication of the fact that the Umayyads saw themselves heirs to his religious legacy. Farazdaq sees in Abū Bakr, together with ʿUthmān, the origin of the Marwānī power, and confers further honorific titles on them. Abū Bakr is the Prophet's *khalīl* ("friend"), and ʿUthmān is his Muhājir [for his *hijrah* to Abyssinia].[84]

As for ʿUmar, he is presented as the founder of the *sunnah* which was continued by the Umayyad caliph Sulaymān, who in turn also acted on the model of ʿUthmān. The verse conveying this idea refers to ʿUmar as Fārūq.[85] Farazdaq also praises the caliph Hishām (r. 105–125/724–43) as one who has adhered to the *sunnah* of Abū Bakr and ʿUmar. Their *Sunnah* cures sick souls.[86]

Just like the antediluvian patriarchs, the Umayyads too possessed emblems of authority which came down to them from previous generations, and more specifically, from Muḥammad. To begin with, the Umayyads claimed possession of the symbolic sword of Muḥammad. In a poem addressed to the caliph Walīd II (r. 125–126/743–44), Farazdaq states that this caliph has fought the infidels with the sword with which Muḥammad had fought his enemies in Badr.[87] Badr is the place where the Muslims won their greatest victory over Quraysh in 2/624. The recurrence of this name in Farazdaq's poetry indicates that Muḥammad's conquests in Arabia became the ultimate model of the most crucial aspect of the spread of Islam under the Umayyads, namely, holy war. Muḥammad's sword that was raised in Badr became the symbol of the warlike mission that the Umayyads continued to fulfill in the wake of Muḥammad's victories.

Farazdaq mentions the same symbolic sword of Muḥammad in other verses praising the military achievements of the caliphs Yazīd II,[88] and Hishām.[89] Elsewhere[90] Farazdaq describes the same sword as the "sword of prophethood", which means that Muḥammad's

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[82] al-Farazdaq, *Dīwān*, 1:78, 13 (Walīd b. ʿAbd al-Malik).
[83] Compare Qur'ān 9:40.
[84] al-Farazdaq, *Dīwān*, 1:250, 6 (Walīd b. ʿAbd al-Malik).
[85] al-Farazdaq, *Dīwān*, 2:101, 7 (Sulaymān).
[86] al-Farazdaq, *Dīwān*, 2:294, 11 (Hishām).
[87] al-Farazdaq, *Dīwān*, 2:92, 4.
[88] al-Farazdaq, *Dīwān*, 2:353, 11.
[89] al-Farazdaq, *Dīwān*, 2:189, 15.
[90] al-Farazdaq, *Dīwān*, 2:124, 3.

prophetic powers continue to work through the Umayyad military thrust. What is so significant about this sword is that Farazdaq describes it not only as the sword of Muḥammad but also as the sword of God by which He defeated the infidels in Badr.[91] This means that God's and Muḥammad's names are interchangeable, so that the caliphs, who gained possession of this sword with its two interchanging names, are, technically speaking, God's deputies as well as Muḥammad's heirs.

Thus it becomes clear yet again that God and Muḥammad are complementary components of the idea behind the title "God's caliph." A caliph of this kind is one who has inherited from the Prophet Muḥammad the mission of protecting God's religion.

The Umayyads had in their possession not merely the symbolic relics of God and Muḥammad but also some concrete emblems of authority that were believed to have come down to them in a successive hereditary line originating in Muḥammad. These emblems are the *minbar* ("pulpit"), the staff and the signet ring (*khātam*). These objects are mentioned, to begin with, in a verse praising the Marwānids as those who have inherited the "two pieces of wood" and the signet ring (*wa-man waritha al-ʿūdayni wa-al-khātam*).[92] This verse is quoted in *Lisān al-ʿarab*,[93] and the term "the two pieces of wood" (*ʿūdāni*) is explained there as "the pulpit (*minbar*) and the staff (*ʿaṣā*) of the Prophet."[94] Elsewhere Farazdaq mentions the *minbar* by name, and describes it as part of the legacy of kings which upon their death they forward to their heirs.[95]

The direct origin of the "two pieces of wood" and the signet ring is Marwān, as Farazdaq indicates elsewhere,[96] but they are being forwarded in a hereditary line beginning with Muḥammad. This is indicated in another poetic piece in which Farazdaq alludes to the *minbar*. He first describes the caliph Walīd II as Muḥammad's legatee (*walīy ʿahd Muḥammad*), then goes on to say that seven caliphs (beginning with Marwān) inherited the caliphate before it reached Walīd, and that they in turn had inherited it from ʿUthmān whose legacy in

[91] al-Farazdaq, *Dīwān*, 2:312, 11–12.
[92] al-Farazdaq, *Dīwān*, 1:59, 6.
[93] Ibn Manẓūr, *Lisān al-ʿarab* (Beirut: Dār ṣādir, 1955–1956), s.v. *ʿūd*.
[94] See also E.W. Lane, *An Arabic-English Lexicon*, edited by Stanley Lane-Poole (London: Williams and Norgate, 1863–93), s.v. *ʿūd*.
[95] al-Farazdaq, *Dīwān*, 1:348, 5.
[96] al-Farazdaq, *Dīwān*, 2:302, 3–4.

turn was the legacy "of our chosen prophet." All these caliphs are described as having in their possession the *minbar* from which they used to deliver their sermons and exercise their authority over their subjects.[97] The *minbar* is no doubt considered here part of the legacy that the caliphs inherited from Muḥammad through ʿUthmān.

That the *minbar* held by the Umayyads was indeed considered part of Muḥammad's legacy is corroborated in traditions. In one of them, Muḥammad himself foresees their possession of it, but the manner in which they use his *minbar* is despicable. The Prophet sees the Umayyads (the Marwānīs) in his dream as they jump up and down his *minbar* like monkeys.[98] While asserting the fact that the Umayyads possessed what was considered Muḥammad's *minbar*, this tradition reflects anti-Umayyad criticism directed against the manner in which these arrogant caliphs desecrated Muḥammad's legacy.

As for the staff inherited by the Umayyads, Farazdaq explicitly describes it as belonging to Muḥammad (*ʿaṣā al-nabīyi*), and as—together with the signet ring—providing the basis for the authority of Yazīd II. Farazdaq goes on to say that when the people see what is on the signet ring, the memory of Muḥammad is not forgotten (*idhā raʾaw mā fī-hi dhikru Muḥammadin lam yunḥali*).[99]

What could be seen on the signet ring is revealed in a tradition traced back to Ibn ʿUmar (d. 73/692) in which it is related that the ring was made of silver, and was passed on from the Prophet to Abū Bakr, then to ʿUmar, then to ʿUthmān. ʿUthmān dropped it by accident into a well in Medina (Bīr Arīs). The text that was engraved on the ring read: *Muḥammad rasūl Allāh*: "Muḥammad Messenger of God."[100] In a tradition of Anas b. Mālik (Baṣran Companion, d. ca. 91–95/709–13) relating the same story, it is added that each of the three words was placed in a separate line.[101] In some versions it is added that after the loss of the original ring, ʿUthmān made a new one with the same inscription.[102]

The fact that ʿUthmān lost Muḥammad's ring probably symbolizes the loss of authority in the eyes of ʿUthmān's subjects, as indicated

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97 al-Farazdaq, *Dīwān*, 1:336, 4–9.

98 Uri Rubin, *Between Bible and Qurʾān: the Children of Israel and the Islamic Self-Image* (Princeton, The Darwin Press, 1999), 224.

99 al-Farazdaq, *Dīwān*, 2:125, 3–4.

100 al-Bukhārī, *al-Ṣaḥīḥ*, 7:201 (77:46), and 202 (77:50).

101 al-Bukhārī, *al-Ṣaḥīḥ*, 7:203 (77:55).

102 Abū Dāwūd, *al-Sunan*, 2:406 (33:1).

in a remark made by Abū Dāwūd (d. 275/888) on this story. He says that people did not dispute ʿUthmān until the ring fell off his finger.[103] The story could also imply that the ring possessed by the Umayyads was not the original Muḥammadan one, but merely the copy made by ʿUthmān. In that case, the traces of anti-Umayyad bias are clearly noticed here as well.

Beyond the political tendency, these traditions reveal what Farazdaq had in mind when saying that when people saw the ring held by the Umayyad caliphs, they did not forget Muḥammad. They saw the three words: *Muḥammad Rasūl Allāh*, and this means that the Umayyads, even as God's caliphs, did not forget that the origin of their authority was Muḥammad, the messenger of God.

Of course, critics of the Umayyads could claim otherwise, namely, that the Umayyads did forget the Prophet, and only saw themselves as God's deputies, not Muḥammad's. That this was indeed imputed to them, is indicated in some letters attributed to the notorious al-Ḥajjāj,[104] in which the Umayyads come out as extremely arrogant and corrupt. But these "letters" only reflect the views of anti-Umayyad groups who have put these letters into circulation.

In sum, Muḥammad's symbols of authority, of which the Umayyads boasted, indicate that they considered themselves links in a successive chain of leaders stemming from Muḥammad.

The Umayyad claim to Muḥammad's legacy was essential to maintain their link to the universal chain of the prophets, the bearers of the authority, which was now in their own hands. This aspect too comes out not only in Walīd's letter but also in Farazdaq's poetry. In his verses reference is made mainly to David and Solomon. The reason why they are given predominance over other prophets is that David was the first to introduce dynastic government among the people of Israel. He bequeathed his kingdom to his son Solomon and this is why this pair of Israelite kings became essential models for the Umayyads. Moreover, David's house became the focus of Jewish messianic hopes, so that the Umayyads too gained a messianic glamour by comparing themselves to David.

The dynastic aspect of the allusion to David and Solomon is clear in a verse in which Farazdaq states that the caliph Walīd I inher-

[103] Abū Dāwūd, *al-Sunan*, 2:406.
[104] Discussed in Crone and Hinds, *God's Caliph*, 28–29, where these letters seem to be taken as authentic.

ited government (*mulk*) from his father like Solomon from David, and this was a bequest from God (*niḥlan min Allāhi*).[105] This indicates that Solomon's authority is based on inheritance as well as on God's will, which means yet again that the Umayyad caliph too is at once God's deputy as well as his father's heir. Elsewhere Farazdaq defines the manner in which David's son succeeded his father as an ideal *sunnah*, which provides the right guidance to anyone who follows it.[106]

Outside the realm of poetry, the hereditary model of David and Solomon recurs in a tradition recorded in the *Mustadrak* by al-Ḥākim al-Nīsābūrī (d. 404/1013–14). It relates that God chose David to be His prophet and messenger, and He gathered for him light and wisdom, and revealed to him the Zabūr (that is, the Psalms), adding it to the scriptures already revealed to previous prophets. When David was about to die, God commanded him to bequeath the light of God (*nūr Allāh*) as well as the hidden and the revealed knowledge to his son Solomon, and so he did.[107]

In this tradition David and Solomon have become links in a universal chain of a religious legacy that is being passed on from generation to generation. It contains emblems of prophecy and religious knowledge, such as light and revealed scriptures, which were already in the possession of previous messengers of God. Thus the concept of hereditary authority that is forwarded from generation to generation has been clearly demonstrated for the Umayyads.

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105 al-Farazdaq, *Dīwān*, 2:145, 7–8. Compare Crone and Hinds, *God's Caliph*, 31 n. 38.

106 al-Farazdaq, *Dīwān*, 1:247, 10. Compare Crone and Hinds, *God's Caliph*, 54. The ʿAbbāsids, too, saw themselves as heirs to the prophets, and the caliph al-Manṣūr (reigned between 136–58/754–75), for example, was described as holding the legacy (*irth*) of Solomon, Job and Joseph. See Crone and Hinds, *God's Caliph*, 81 with n. 146.

107 Muḥammad b. ʿAbd Allāh al-Ḥākim al-Nīsābūrī, *al-Mustadrak ʿalā al-ṣaḥīḥayn fī al-ḥadīth* (Riyadh: Maktabat al-naṣr al-ḥadīthah, n.d.), 2:587. The *isnād*: Muḥammad b. Ḥassān ← Muḥammad b. Jaʿfar b. Muḥammad ← his father. See also Rubin, "Prophets and Progenitors," 50.

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RECONSTRUCTING EARLY ISLAM: TRUTH AND CONSEQUENCES[1]

Chase F. Robinson

To judge by several recent surveys, it has become an academic truism that "Islam" belongs to "late antiquity,"[2] even if both the chronological and geographic range of the period remains controversial,[3] and precisely how "Islam" is to fit in is unclear. The most ambitious of these surveys is typical: it organizes its material in a number of attractive categories (e.g., "Sacred Landscapes," "War and Violence," "Empire Building," and "The Good Life"), but in these Muslims have hardly a role to play, being paraded out in a single, dry chapter entitled "Islam" instead.[4] In explaining everything, "Islam" explains nothing. In pointing this out, I do not mean to suggest that late Romanists are in any way to blame, not least of all because we owe the most imaginative and ambitious attempts to integrate Islam into late antiquity to late Romanists rather than Orientalists.[5] What I mean to suggest is that our categories deserve scrutiny. Surely I am not the

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[1] I am indebted to J. Kenney, C. Melchert, R. Nettler and J. Piscatori for reading, correcting and otherwise improving a draft of this article, and to J. Johns for two valuable references.

[2] See, for example, *Late Antiquity: A Guide to the Post-classical World*, edited by G.W. Bowersock, P. Brown, and O. Grabar (Cambridge: Belknap Press of Harvard University Press, 1999); M. Maas, *Readings in Late Antiquity: A Sourcebook* (London and New York: Routledge, 2000); the last volume (the 14th) of the *Cambridge Ancient History*, which is entitled *Late Antiquity: Empire and Successors, A.D. 425–600* (Cambridge: Cambridge University Press, 2000), is naturally more conventional: it stocks part iv ("The Provinces and the Non-Roman World") with the barbarians of earlier generations of scholarship, including "The Arabs" (678–700), which ends with a section on "Mecca, Muḥammad and the Rise of Islam."

[3] See the "Introduction," *Tradition and Innovation in Late Antiquity*, edited by F.M. Clover and R.S. Humphreys (Madison: University of Wisconsin Press, 1989); R. Martin, "Qu'est-ce que l'antiquité tardive?" *Aiôn: le temps chez les romains*, edited by R. Chevallier (Paris: A. & J. Picard, 1976), 261–304; a plea for including Sasanian Iran in late antiquity is made by J. Walker in his "The Limits of Late Antiquity: Philosophy between Rome and Iran", *Ancient World* 33 (2002): 45–69; I am indebted to the author for making this article available to me.

[4] H. Kennedy, "Islam," in *Late Antiquity*, 219–237.

[5] P. Brown, *The World of Late Antiquity, A.D. 150–750* (London: Harcourt Brace Jovanovich, 1971); G. Fowden, *Empire to Commonwealth: Consequences of Monotheism in Late Antiquity* (Princeton: Princeton University Press, 1994).

only Islamic historian who, though recoiling at the use of "essentializing" definitions, practices his craft without a clear understanding of why the history made by Muslims is conventionally described in religious terms ("Islamic"), while that of non-Muslims described in political ones ("late Roman," "Byzantine," "Sasanian"), or of exactly how "Islam" can be said to have a "role" in the transition from antiquity to the middle ages.[6] It may be that the explanation lies in the totalizing claims made on behalf of the tradition—that "Islam," as a "civilization" or "way of life," which "does not distinguish between religion and politics,"[7] differs in some essential way from other late antique religions; but we shall see that these claims have histories of their own.

How are we to understand the religious and political movement(s) of the first/seventh and second/eighth centuries that we conventionally understand to signal "the rise of Islam"? The contribution that follows is intended to highlight how difficult this is to answer by discussing some of the terms and categories that historians conventionally use. I shall begin with general comments about "Islam," turn to some models and assumptions shared by Orientalists and historians on the one hand,[8] and Muslim modernists of both the politically minded (viz. "Islamists," "fundamentalists") and apolitical variety on the other,[9] and conclude with more general comments about late antiquity and early Muslims. Throughout I emphasize the social and political significance of our knowledge of Islamic history, especially early Islamic history; nowhere do I break new ground in the primary texts.

I

Historians generally concern themselves with human actions as they take place in time and space, including acts of cognition—ideas—as

[6] I allude here to the curiously titled collection of articles on the Pirenne thesis, *Bedeutung und Rolle des Islam beim Übergang vom Altertum zum Mittelalter*, edited by P.E. Hübinger (Darmstadt: Wissenschaftliche Buchgesellschaft, 1968).

[7] For an overview and criticism of the idea, see D.F. Eickelman and J. Piscatori, *Muslim Politics* (Princeton: Princeton University Press, 1996), 47ff.

[8] The distinction between these two will become clearer below; compare P. Crone, "Serjeant and Meccan Trade," *Arabica* 39 (1992): 216–240.

[9] For a concise overview of the distinction, see R. Nettler, "Islam, Politics and Democracy: Mohamed Talbi and Islamic Modernism," in *Religion and Democracy*, edited by D. Marquand and R. Nettler (Oxford: Blackwell, 2000), 50ff.

they are expressed in time and space. This should be no less true of historians of the first/seventh-, second/eighth- and third/ninth-century Near East than it is of historians who work on different areas in different periods.

The observation may be utterly banal, but it is worth making because professional conventions sometimes serve to obscure the project. When someone describes himself as a "historian of Islam" or writes a book on the "origins of Islam," "Islam" usually functions as a trope. The subject of his teaching and research is frequently not religion as such (a complex of ideas to which we shall presently turn), but rather the individual and corporate actions taken by Muslims, usually, but not necessarily, *qua* Muslims, everything from paying taxes and fighting wars to trading and building cities. *The Cambridge History of Islam*, for example, is not so much about the ideas or beliefs that are said to constitute the religious tradition as it is about what some Muslims did in history, especially those actions of political consequence that, collectively, constitute "Islamic civilization."[10] Of course some historians care little about battles and buildings, and are interested instead in "religious" ideas—or, to borrow from Baird,[11] in ideas of which we may choose to ask religious questions (the difference is vast). Although they may prefer the term "Islamicist" to "historian," their project remains the same. For Islam obviously has no material existence and can be studied only insofar as it is a series of ideas, which are or were held by believers and non-believers, actualized in the symbolic language of text or praxis, and transmitted and transmuted through history. We take it for granted that the series constitutes the tradition—that is, that an idea actualized once survives to be actualized at a later period—but cannot prove it.

Now there is nothing particularly Islamic about the reification of discrete action or practice into phenomenalized concept. On this count, historians of Islam are playing the same game that other historians play: in this respect, a history of early Christianity or Norman feudalism will share the same model of historical description as a history of early Islam. But for Islam much greater claims are also

[10] The criticism of the *Cambridge History* made by R. Owen, "Studying Islamic history," *Journal of Interdisciplinary History* 4 (1973): 287–298, could be made of a great deal of Islamic history written 25 years later. Another example can be found in the volume on late antiquity with which I began.

[11] R.D. Baird, *Category Formation and the History of Religions* (The Hague: Mouton, 1971), 25.

made, and we can explore these by turning to H.A.R. Gibb (d. 1971), who provided the following description in 1932. (I have added the italics for emphasis.)

> Islam is indeed much more than a system of theology: it is a *complete civilization*. If we were to seek for parallel terms, we should use Christendom rather than Christianity, China rather than Confucianism. It includes a whole complex of cultures which have grown up around the *religious core*, or have in most cases been linked to it with more or less modification, a *complex* with distinctive features in political, social and economic structure, in its conception of law, in ethical outlook, intellectual tendencies, habits of thought and action. Further, it includes a vast number of peoples differing in language, character and inherited aptitudes, yet bound together not only by the link of a *common creed*, but even more strongly by their participation in a *common culture*, their obedience to a *common law* and their adoption of a *common tradition*.[12]

In the form presented here, this construction of Islam manifests the discredited racialism of an earlier period ("peoples differing in language, character and inherited aptitudes"). Even so, its essential idea—that "Islam," which, as "complete civilization" is "bound together" by common ideas and practices, imposes itself upon the political, social, economic, legal, ethical and intellectual "tendencies" of its adherents—is familiar from Gibb's other work, such as his "An Interpretation of Islamic History" ("Islam is a concept which, phenomenalized in a number of linked but diverse political, social and religious organisms, covers an immense area in space and time").[13] Gibb was not the first to describe Islam in these ways, however.[14] More important, he was not the last: the model still retains its hold on the study of Islam amongst medievalists, despite the attempts by anthropologists,

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[12] Thus H.A.R. Gibb, *Whither Islam? A Survey of Modern Movements in the Moslem World* (London: V. Gollancz, 1932), 12.

[13] Gibb, "An Interpretation of Islamic History," *Journal of World History* 1 (1953): 39, which is reprinted in his *Studies on the Civilization of Islam*, edited by S.J. Shaw and W.R. Polk. (Boston: Beacon Press, 1962), chapter 1. Compare his "The Heritage of Islam in the Modern World (I)," *International Journal of Middle East Studies* 1 (1970): 4, "For the characteristic expression of Islam, even as a religion, is its social organization as a Community, uniting secular or temporal elements with the religious or spiritual in *one single, interwoven system*" [emphasis added]). In general, see A. Hourani, "H.A.R. Gibb: the Vocation of an Orientalist," in his *Europe and the Middle East* (London: Macmillan Press, 1980), 104–134.

[14] The first Orientalist to tackle Islam as a civilization was probably A. von Kremer, *Culturgeschichte des Orients unter den Chalifen* (Vienna: W. Braumüller, 1875–1877), where the "Orient" represents "Islam." In several respects the work anticipates A. Mez, *Die Renaissance des Islams* (Heidelberg: C. Winter, 1922).

sociologists, social theorists—and, it must be said, the occasional historian—to shake it free.[15] That this is the case does not require demonstration. In what follows I should like to suggest that the Islam defined by Gibb is a distinctly *modern* Islam, and that this distinctly modern Islam is the common possession of Orientalist and modernist Muslims alike.

Islam is a "religion" and, more than that, a "civilization." Where do the ideas come from and how do they condition scholarship? It is true that Muslims of the pre-modern period occasionally manifested an understanding of "religion" that was very precocious by European standards; some Muslim heresiographers are even championed as the world's first comparative religionists.[16] And there can be no doubt that diverse cultural forms were in one way or another associated with the religious tradition more strictly speaking; Islam being the faith of the rulers and the logic of their rule, it possessed a cultural ubiquity that Rabbinic Judaism could never generate. There clearly *were* institutions, practices and symbols that were distinctly Islamic (or Islamicate, as Hodgson would have it).[17] All this said, the grammar underlying Gibb's remarks clearly owes much to those who produced the historiography and *Religionswissenschaft* of the late eighteenth and nineteenth centuries, which completed the process whereby "religion" was conceptualized as a sphere of human action and belief that was distinct from other human activities (e.g. political movements or economic production), endowed with its own evolution (origins being given particular emphasis), and made a transcendent object through history.[18] Al-Shahrastānī's *Milal* no more reflects a modern understanding of "religion" than Ibn Khaldūn's *ʿumrān* ("organised habitation") or *ḥaḍārah* ("city life") anticipate what we understand by "civilization" and "culture."[19] As Wilfred Cantwell Smith put it, "[t]he idea was widely accepted that religion is a something with a definite

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[15] A discussion that is both synthetic and provocative can be found in A.H. el-Zein, "Beyond Ideology and Theology: The Search for an Anthropology of Islam," *Annual Review of Anthropology* 6 (1977): 227–254; for the occasional historian, see Lapidus, below.

[16] Thus W. Cantwell Smith, *The Meaning and End of Religion* (San Francisco: Harper and Row, 1963), 294f.; E.J. Sharpe, *Comparative Religion: A History*, 2nd ed. (La Salle, Illinois: Open Court, 1986), 11.

[17] M.G.S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization* (Chicago: Chicago University Press, 1974), vols. 1 and 2.

[18] For Gibb's reading on religion, see Hourani, "H.A.R. Gibb," 121f.

[19] I draw the translations from A. Al-Azmeh, *Ibn Khaldūn: An Essay in Reinterpretation* (London: Frank Cass, 1982).

and fixed form, if only one could find it";[20] (this was a period in which things such as religion and society were being "found" for the first time).[21] Of course in the case of Islam, we are not talking about a process as precipitous or radical as the nineteenth-century invention of Hinduism,[22] and Cantwell Smith clearly envisions a relatively long process of reification. The nineteenth century remains decisive in this process, however, and after some equivocating, he concludes that his general axiom—"that a religious system appears as a system, an intelligible entity susceptible of objective conceptualization, primarily to someone on the outside"—holds true for Islam.[23] Like all other Orientalists, Gibb, of course, *was* "someone on the outside," and doubly so: he was a non-Muslim who devoted much of his professional life to understanding and explicating pre-modern Islam with the tools of nineteenth-century philology and history.

Gibb's view of Islam as religion and civilization was thus a product of nineteenth- and twentieth-century categories of analysis (Toynbee [d. 1975] being especially influential in Gibb's case)—which is of course what we should expect.[24] Put another way, the idea of religion as a transcendent reality having taken hold during the nineteenth century, Islam was now accordingly held to be subject to description, and the striking feature of its description for Gibb, as for other Orientalists, was its totalizing and pervasive character. This is not to deny that there was more than one way for Orientalists to approach "Islam,"[25] or, as we have already seen, that there were distinctive cultural patterns associated with Islamic rule. Moreover, just like pre-modern Christians, it is certainly the case that pre-modern Muslims lived in nothing less than a full and coherent world of belief and action. There are few sentences in Lucien Febvre's rich evocation of "religion's domination of life" in a sixteenth-century French town

[20] Smith, *Meaning*, 47.

[21] On "this new object called society," see T. Mitchell, *Colonising Egypt* (Cambridge: Cambridge University Press, 1988), 120ff.

[22] Compare R. King, *Orientalism and Religion: Postcolonial Theory, India and the Mystic East* (London: Routledge, 1999).

[23] Smith, *Meaning*, 107 and 115.

[24] Note that as late as the 1870's, one could conceptualize this civilization as "oriental," rather than Islamic; thus von Kremer's *Culturgeschichte des Orients unter den Chalifen* (see above, note 14). A decade later, G. Le Bon had written his influential *La civilisation des arabes* (Paris: Firmin-Didot et cie, 1884).

[25] Compare J. van Ess, "From Wellhausen to Becker: The Emergence of *Kulturgeschichte* in Islamic Studies," in *Islamic Studies: A Tradition and its Problems*, edited by M. Kerr (Malibu: Undena Publications, 1980), 27–51.

of his own synthesis that could not survive translation into an Islamic context: "From birth to death stretched a long chain of ceremonies, traditions, customs, and observances, all of them Christian or Christianized, and they bound a man in spite of himself, held him captive even if he claimed to be free."[26] But this world of deep-rooted but implicit beliefs and rituals is a far cry from the reified Islam of the French and English Orientalist tradition, out of which modern Islamics developed and at the heart of which is said to stand an essential center (Gibb's "religious core") that transcends and pervades varieties of lived human experience and history to produce an associated civilization.[27] "What Orientalism contributed to the study of Islamic societies was the concept of Islamic civilization," as Burke has written in a collection of articles on Islamic studies; the statement is a bit bold, but it effectively puts the lie to some Orientalists' naïve positivism: they were constructing as much as they were describing pre-modern Islam.[28] Turner paints with a broad brush, too, especially because his reading is focused upon later Islamic history (particularly Gibb and Bowen's work on the Ottoman empire). Still, there is little resisting the force of his argument. Orientalism's inclination towards a homogeneous and essentialist model of "Islamic civilization" frequently predetermined its conclusions: the civilization was either static or in decline.[29] Lapidus took issue with the reified Islam of his teacher's tradition, but historians have not answered his call for a Geertzian solution.[30] By now it is probably too late, since "systems of meaning" have been shown to present problems of their own.[31]

European Islamicists were not alone in this process. Alongside the nineteenth-century Islam constructed by Orientalists one must place

[26] L. Febvre, *The Problem of Unbelief in the Sixteenth Century: The Religion of Rabelais*, translated by B. Gottlieb (Cambridge: Harvard University Press, 1982), 336.

[27] On the problem of "religious cores," see E.J. Sharpe, *Understanding Religion* (London: Duckworth, 1983), 38.

[28] E. Burke, "The Sociology of Islam: The French Tradition," in *Islamic Studies: A Tradition and its Problems*, 75; for background on the "civilization of Islam," see Hourani, *Europe and the Middle East*, especially 66ff.

[29] B.S. Turner, *Marx and the End of Orientalism* (London: Allen and Unwin, 1978).

[30] I. Lapidus, "Islam and the Historical Experience of Muslim Peoples," *Islamic Studies: A Tradition and its Problems*, 101.

[31] For some historians' misgivings, see L. Hunt, "Introduction: History, Culture, and Text," *The New Cultural History*, edited by Lynn Hunt (Berkeley: University of California Press, 1989), 12f.; D. LaCapra, "Culture and Ideology," *Poetics Today* 9 (1988): 377–394; compare also B. Tibi, *Islam between Culture and Politics* (New York: Palgrave, 2001), 30ff.; and L. Binder, *Islamic Liberalism: A Critique of Development Ideologies* (Chicago: University of Chicago Press, 1988), 97ff.

the far-reaching re-invention of Islam that Muslim modernists were themselves effecting, and this for the manifestly apologetic purposes of providing a new language of cultural authenticity vis à vis European nationalism. Already in the thought of al-Afghānī (d. 1897) one can find the distinction between "Islam" and the "West,"[32] a formulation as foreign to classical Islamic thought as it would be emblematic of Islamic modernism of the twentieth century.[33] In fact, the modernists' reconceptualization of Islam was profound, and despite all their noisy claims of cultural authenticity, the Islamists of the late twentieth and twenty-first centuries speak a language coined by their modernist forebears of the late nineteenth and early twentieth, their shibboleth being a call for a "return" to an Islam that never was.[34] There are several features of this Islam-that-never-was, one of which is a neo-scripturalism that upends the classical hierarchy of the scripture (Qurʾān) and Tradition; as Calder puts it, "whereas the pre-modern writers affirm that tradition controls understanding of revelation, modernist Islam tends to say the opposite, that revelation is a means to get rid of the (burdensome and irrelevant) complexities of a tradition which, perhaps, it is implied, has not served the community well."[35] A second and related feature—and surely the most salient—is Islam as totalizing alternative, Gibb's "single, interwoven system",[36] or, as the protestors' banners in Cairo frequently read, "the solution" (*al-ḥall*), an "alternative" that is "an obligation and necessity."[37]

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[32] See N.R. Keddie, *An Islamic Response to Imperialism: Political and Religious Writings of Sayyid Jamāl al-Dīn "al-Afghānī"* (Berkeley: University of California Press, 1968). The terms *dār al-islām* and *dār al-ḥarb* define legal boundaries rather than contrasting civilizations.

[33] Especially given Gibb's and other Orientalists' close engagement with the modern history of Islam, it is tempting to suggest that what has been said in the light of the 1970s and 1980s might be said of the 1870s and 1880s: "Contemporary events are dangerous guides to thought. Islam has become so much of a preoccupation of Western politics and media that we are tempted to think of it as a single, unitary, and all-determining object, a 'thing' out there with a will of its own"; see M. Gilsenan, *Recognizing Islam: An Anthropologist's Introduction* (London: Croom Helm, 1982), 18.

[34] Compare S. Zubaida, *Islam, the People and the State: Essays on Political Ideas and Movements in the Middle East* (London: Routledge, 1989), 2ff.

[35] N. Calder, "Law," in *History of Islamic Philosophy*, edited by S.H. Nasr and O. Leaman (London: Routledge, 1996), 2:995.

[36] For Gibb at his most preposterously totalizing, see his "The Heritage of Islam in the Modern world (I)," 4: "There are numerous descriptions of the manner in which the pagan African, when converted to Islam, immediately displays the same emotional responses characteristic of the born Muslim of different classes."

[37] The last paraphrases Y. al-Qaraḍāwī, *al-Ḥall al-islāmī farīḍah wa-ḍurūrah* (Beirut: Muʿassasāt al-risālah, 1988); compare Y. Haddad, *Contemporary Islam and the Challenge*

Totalized, Islam is now something that can be applied. *Niẓām*, which in typical usage in classical Arabic means the political "order" decreed by God, becomes in modern Arabic a "system" of life assembled by ideologues to be applied by politicians; a similarly ubiquitous term of modernist and Islamist rhetoric is *minhāj*, "program."[38] According to one modernist (al-Jundī), "Islamic history—like Islam itself—cannot be understood except by the principle of integration and comprehensiveness. For it is a unity of interconnected links no matter how numerous the facets. It is an 'integrated whole' which does not disintegrate despite the appearances of division."[39] The idea seems as natural to us as it would seem strange to al-Ghazālī. As Geertz put it, there is a world of difference between "being held by religious convictions and holding them."[40] The phrase captures as well as any the Islam of modernity—that is, the Islam described by Orientalist and Muslim modernist alike.

Beyond the impact of the West, precisely how it came about that Muslim modernists re-invented Islam remains unclear. Much depends on one's model. It was once thought adequate to describe the process in terms of intellectual history: the ideas that had come to prevail were Western ones, and these the modernists were keen to adopt and transform; a variation on this model is at work even in some fairly iconoclastic works.[41] *La Civilisation des arabes* of G. Le Bon (d. 1931), for example, heavily influenced the *Taʾrīkh al-tamaddun al-islāmī* of J. Zaydān (d. 1914).[42] Given that Orientalists of the late nineteenth

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of History (Albany: State University of New York Press, 1982), 9: "For the normativist [i.e., Islamist], religion is not only the central part of life, it is the totality of life, that from which all of reality proceeds and has its meaning."

[38] Thus Sayyid Quṭb's "divine programme"; see Quṭb, *Fī ẓilāl al-Qurʾān* (Beirut: Dār al-shurūq, 1973–1972), *muqaddimah* 13ff.

[39] Haddad, *Contemporary Islam*, 159.

[40] C. Geertz, *Islam Observed: Religious Development in Morocco and Indonesia* (New Haven: Yale University Press, 1968), 61.

[41] On the 'tropes and notions of political and social thought', which form a 'universal repertoire that is inescapable', see al-Azmeh, *Islams and Modernities*, 2nd ed. (New York: Verso, 1996), 33f. and 49, drawing, of course, on B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. (New York: Verso, 1991).

[42] Mitchell, *Colonising Egypt*, 169; on Zaydān in general, T. Phillip, *Gurgī Ẓaidān: His Life and Thought* (Beirut and Wiesbaden: F. Steiner, 1979). It also is a notable thing that Toynbee's *Civilization on Trial* (Oxford: Oxford University Press, 1948), seems to have found an Arabic translator already by 1949 as *Al-Ḥaḍārah fī al-mīzān*, translated by Amīn Maḥmūd al-Sharīf (Cairo: Wizārat al-tarbiyah wa-al-taʿlīm, 1949). And it is a strange thing that a biography of Muḥammad written by a non-Arabist can find a readership in the Middle East; see K. Armstrong, *Sīrat al-nabī Muḥammad*, translated by F. Naṣr (Cairo: Suṭūr, 1998).

and early twentieth centuries were frequently more familiar with Islamic thought of their time than historians are today, one might imagine that influence was a two-way street: after all, Zaydān may have drawn on Le Bon, but D.S. Margoliouth translated Zaydān into English.[43] Be this as it may, some would now prefer to see things in terms of social practice, rather than in terms of the transmission of ideas. Spelled out a bit more fully: Muslim modernists of the nineteenth century construed Islam in essentially new ways not because they read Comte or Hegel (to take two obvious examples),[44] but because they were witnessing and participating in social practices that generated and reflected radically new configurations of power—everything from the printing press and classroom to the army's serried ranks.[45] Whether one posits a causal connection between these new configurations of power and attendant social, political or economic changes also turns on one's model: those following in Anderson's footsteps would be inclined to identify causes (e.g. capitalism, especially of the print variety), while those following in Foucault's more stringent anti-positivism would be disinclined to do so.

II

To recapitulate: for all their voluminous reading in the sources for "classical Islam," Orientalists such as Gibb were "outsiders" in Smith's sense, experts to whom Islam could now appear "as a system, an intelligible entity susceptible of objective conceptualization." The context of this conceptualization was both academic (eighteenth- and nineteenth-century categories of analysis) and political, and the signal feature of the "system" was its law-based totalizing character. Mean-

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[43] Jurjī Zaydān, *Umayyads and ʿAbbásids: Being the Fourth Part of Jurjí Zaydán's History of Islamic Civilization*, translated by D.S. Margoliouth (London: E.J. Brill, 1907); Gibb himself wrote *Modern Trends in Islam* (Chicago: University of Chicago Press, 1947), in addition to his *Whither Islam?*

[44] On some antecedents, see A. Dallal, "The Origins and Objectives of Islamic Revivalist Thought, 1750–1850," *Journal of the American Oriental Society* 113 (1993): 341–359.

[45] The spread of print culture in this process, which was given great emphasis by Anderson, *Imagined Communities*, has received considerable attention; see, for example, B. Messick, *The Caligraphic State: Textual Domination and History in a Muslim Society* (Berkeley: University of California Press, 1993), 115ff.; on armies and their organization, K. Fahmi, *All the Pasha's Men: Mehmed Ali, His Army, and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1997).

while, Muslim modernists of the nineteenth and twentieth centuries worked with categories they shared with Orientalists. The "tradition" (such as it was) had always been in some measure dynamic, but the unprecedented social and political change of the eighteenth and nineteenth centuries produced altogether new paths for those claiming religious authority and altogether new constructions of belief and action.[46] The call for a "return," which has typically been made by those with little or no religious training by pre-modern standards, to an "Islam" that is knowable only through texts and conceptualized as a "system" of thought and belief that admits application, thus ironically underlines how far many these authorities have distanced themselves from the classical tradition. I shall return to this point below.

Of all the implications that could be drawn from the above, the grossest and least original is that the philology and history of the Islamic Near East, no less than the archaeology of the Holy Land,[47] possess both histories of their own and politics of their own.[48] Said and many, many others have argued along these lines.[49] All the same, I should like to explore it further.

We may begin where *Orientalism* figuratively ended. How do we know the history of the Middle East and what are the politics of our knowledge? Whether "objective" knowledge is *precluded* by politics (by which I mean the networks of power and authority, private and public, in which scholarship is produced) is highly contentious and remains unresolved.[50] Certainly scholarship on the Rabbis has not gone unaffected by the existence of a politically autonomous Jewish state,[51] and the historiography of pre-modern Europe has been

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[46] Compare Geertz, *Islam Observed*, where the destructive force of modernity is greatly emphasized.

[47] Compare N.A. Silberman, "Power, Politics and the Past: The Social Construction of Antiquity in the Holy Land," in *The Archaeology of Society in the Holy Land*, edited by Thomas E. Levy (New York: Facts on File, 1995), 10–20; see also below.

[48] That an introductory textbook such as G. Endress, *Einführung in die islamische Geschichte* (Munich: C.H. Beck, 1982), which is translated as *An Introduction to Islam*, translated by C. Hillenbrand (Edinburgh: Edinburgh University Press, 1988), begins with a chapter on "Europe and Islam: The History of a Science" presumably reflects both post-*Orientalist* anxieties and a long-standing self-awareness on the part of German Orientalism.

[49] E. Said, *Orientalism* (New York: Pantheon, 1978); an adequate survey of the resulting debate can be found in A.L. Macfie, *Orientalism* (London: Longman, 2002).

[50] See, *inter alia, Telling the Truth about History*, edited by J. Appleby, L. Hunt and M. Jacob (New York: Norton, 1994).

[51] Cf. C. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997).

deeply conditioned—some would say pre-determined—by the rise of modern nationalism and the consequent construction of medievalism and its proto-nationalist states;[52] the historiography of the Merovingians is a case in point.[53] In fact, there is no question that the historiography of the pre-modern Islamic world has at least been *influenced* by nationalist politics. As Ende has exhaustively shown, many Arab Muslim modernists of the first half of the twentieth century rehabilitated the Umayyad dynasty for manifestly nationalist purposes.[54] It is true that, the occasional exception aside,[55] baldly nationalist narratives such as those discussed by Ende have exercised little influence upon the professional study of Islam, at least by the standards set by later periods of Islamic history.[56] Philologically inclined Orientalists have generally seen their task as one of explicating (rather than challenging) the tradition, and since the tradition conventionally describes politics in terms of dynasties, so do Orientalists.[57] Still, it is not difficult to see the nationalist model that lies behind the classic of the early period, *Das arabische Reich und sein Sturz*, now exactly a century old;[58]

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[52] See P.L. Kohl, "Nationalism and Archaeology: On the Constructions of Nations and the Reconstructions of the Remote Past," *Annual Review of Anthropology* 27 (1998): 223–246; and H. Härke, 'Archaeologists and Migrations: A Problem of Attitude?" *Current Anthropology* 39 (1998): 19–45.

[53] See P. Geary, *Before France and Germany: The Creation and Transformation of the Merovingian World* (Oxford: Oxford University Press, 1988).

[54] W. Ende, *Arabische Nation und islamische Geschichte: die Umayyaden im Urteil arabischer Autoren des 20. Jahrhunderts* (Beirut and Wiesbaden: F. Steiner, 1977).

[55] Surely the discipline of Iranistik, the most glorious achievement of which must be the 7-volume *Cambridge History of Iran*, owes something to the Qajar and Pahlavi achievement of Iranian nation building. There is no analogue in the *Cambridge History of Islam* to A.H. Zarrīnkūb "The Arab Conquest of Iran and Its Aftermath," in the *Cambridge History of Iran, Volume 4: The Period from the Arab Invasion to the Saljuqs*, edited by R.N. Frye (Cambridge: Cambridge University Press, 1968–1991), 1–56; compare Zarrīnkūb, *Dū qarn-i sukūt* (Teheran: Amīr kabīr, 1957).

[56] For the Ottoman case, see C. Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Berkeley: University of California Press, 1995).

[57] Michael Brett must be correct when he writes that "[u]nlike the history of Europe, which is normally written in terms of states created by dynasties, the history of the Islamic Near and Middle East is frequently written in terms of the dynasties which created the states"; M. Brett, *The Rise of the Fatimids: The World of the Mediterranean and the Middle East in the Fourth Century of the Hijra, Tenth Century C.E.* (Leiden, E.J. Brill, 2001), 5. To his discussion of dynastically oriented historiography of the Fatimids, one may now add P. Walker, *Exploring an Islamic Empire: Fatimid History and its Sources* (London: I.B. Tauris, 2002).

[58] In fact, it is already present in G. Weil's *Geschichte der chalifen*, 5 vols. (Mannheim: F. Bassermann, 1846–1851). Although our understanding of the Umayyad dynasty has improved considerably since Weil's and Wellhausen's days, the dynasty remains the category of our understanding—at least for the beginner; thus G.R. Hawting, *The First Dynasty of Islam: The Umayyad Caliphate A.D. 661–750* (London: Croom Helm, 1986).

here Muʿāwiyah, Ziyād b. Abīhi and al-Ḥajjāj are regarded as the champions of state building, and "[t]he end comes when, with the victory of the Abbasids, the Arabs 'perish' in a 'nationless universal government'."[59] To this day, questions of Arab and Persian ethnicity remain prominent in discussions of the ʿAbbāsid Revolution.[60]

More than that can be said, especially about those who have worked on the early Islamic tradition. It can scarcely be accidental that the model implicit in some Israeli work on the Islamic conquests of the first/seventh century derives from the archaeology of the Israelite "conquest" of Canaan in the twelfth and eleventh centuries B.C.E.[61] The resulting conclusions—that Arabic-Islamic accounts of conquest violence misrepresent protracted social processes of settlement and function only to legitimize Umayyad claims to the Holy Land—are readily disproven and clearly wrongheaded, since some early, non-Islamic sources that are independent of the Islamic tradition tell a similar story.[62] I leave it to others to determine if the conclusions are cynical. In related cases it is also perfectly clear that the pre-modern history of Palestine and Muslim/non-Muslim relations have not escaped modern politics: not all historians have followed one reviewer's admonition that *"[L]'historien a un rôle essentiel à jouer dans le monde contemporain, apprendre la tolérance aux différentes composantes ethniques, religieuses ou nationales vivant ensemble en les aidant à mieux se connaître et à mieux connaître les autres."*[63] European and North American varieties of Islamic history-writing also seem to betray their politics.

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[59] Thus van Ess, "*Kulturgeschichte*," 43.

[60] See E. Daniel, "The 'ahl al-taqādum' and the Problem of the Constituency of the Abbasid Revolution in the Merv Oasis," *Journal of Islamic Studies* 7 (1996): 150–179; and A. Elad, "Aspects of the Transition from the Umayyad to the ʿAbbāsid Caliphate," *Jerusalem Studies in Arabic and Islam* 19 (1995): 89–132.

[61] See J. Koren and Y.D. Nevo, "Methodological Approaches to Islamic Studies." *Der Islam* 68 (1991): 87–107; compare. M. Sharon, "The Birth of Islam in the Holy Land," in *The Holy Land in History and Thought*, edited by M. Sharon (Leiden: E.J. Brill, 1988), 225–235; and Sharon, "The Umayyads as *ahl al-bayt*," *Jerusalem Studies in Arabic and Islam* 14 (1991):114–152.

[62] See R. Hoyland, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton: Darwin Press, 1997); C.F. Robinson, "The Conquest of Khūzistān: A Historiographical Reassessment," *Bulletin of the School of Oriental and African Studies* (forthcoming).

[63] See T. Bianquis, Review of *A History of Palestine, 634–1009* by M. Gil, *Journal of the Economic and Social History of the Orient* 38 (1995): 99; that Gil's book is actually about the Jewish communities of Palestine is well known. Very little needs to be said about Bat Yeor, *The Dhimmi: Jews and Christians under Islam*, translated by David Maisel et al. (Rutherford: Fairleigh Dickinson University Press, 1985).

It is noteworthy that the fiercest critics of the early Islamic historical tradition were employed and trained in what amounts to a post-colonial Europe of the late 1960s and early 1970s,[64] while in North America, where political and cultural sensitivities were and remain more fragile, contributions to this revisionist scholarship have been late in coming, and in some cases only really branched off from European transplants in American soil. Schacht may have moved from Oxford to New York, but his program of recovering pre-classical legal thinking was only renewed in London. Indeed, there can be little doubt that the European Orientalists of that earlier generation, whose move to North America in the 1950s and 1960s marked the beginning of a tradition of Islamics in the Cold-War US,[65] more successfully imported sociological and functionalist approaches to Islam than they did the source-critical skepticism that inspired earlier, seminal works of European Islamics: one can draw a line from Goldziher to Noth, or from Gibb to Lapidus, but not from Goldziher to Gibb to Lapidus.

Be this as it may, it is certainly the case that the post-*Orientalism* debate has been more controversial than productive. Some old-fashioned Orientalists have predictably taken umbrage at the problematization of knowledge for which *Orientalism*, amongst other works of the 1980s and 1990s, argued; the charge that their discipline was nothing more than a colonial project especially rankled.[66] Meanwhile, some hard-core neo-traditionist Muslims have gone as far as to suggest that only Muslims can possess "real" knowledge of Islam.[67] Both

[64] I have in mind here A. Noth, *Quellenkritische Studien zu Themen, Formen und Tendenzen frühislamischer Geschichtsüberlieferung* (Bonn: Selbstverlag des Orientalischen Seminars der Universität, 1973); and the revised edition by Noth with Lawrence I. Conrad, *The Early Arabic Historical Tradition*, translated by M. Bonner (Princeton: Darwin Press, 1994); M. Cook and P. Crone, *Hagarism: The Making of the Islamic World* (Cambridge: Cambridge University Press, 1977); J. Wansbrough, *Quranic Studies: Sources and Methods of Scriptural Interpretation* (Oxford: Oxford University Press, 1977); Wansbrough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford: Oxford University Press, 1978); and P. Crone, *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge: Cambridge University Press, 1980).

[65] Gibb and Gustave von Grunebaum (d. 1972) are particularly good examples; compare *Unity and Variety in Muslim Civilization*, edited by G. von Grunebaum (Chicago: University of Chicago Press, 1955).

[66] Thus J. Kraemer, *Humanism in the Renaissance of Islam: The Cultural Revival during the Buyid Age*, 2nd rev. ed. (Leiden, E.J. Brill, 1992), xiii and 94.

[67] See the notes appended to Ibn al-Naqīb al-Miṣrī, *The Reliance of the Traveller: A Classic Manual of Islamic Sacred Law* [*ʿUmdat al-sālik wa-ʿuddat al-nāsik*], translated by N.H.M. Keller (Evanston: Sunna Books, 1991), 1042 (the founding fathers of Orientalism are "dogs"; Muslims should only read other Muslims); and Y. Dutton, Review of *The Origins of the Koran: Classic Essays on the Islam's Holy Book*, edited by Ibn Warraq,

can therefore be said to share what may be called an initiation-based epistemology: traditional Orientalists required endless training before admitting initiates into their guild (Gibb himself is famously said to have characterized the first 10 years of Arabic study as difficult, the second 10 years as somewhat easier),[68] while the neo-traditionalist Muslim requires nothing less than entrance into faith itself. Knowledge comes from committing to Arabic philology or converting to Islam.

Of course few practicing Orientalists or historians now hold that philology *alone* suffices for an understanding of pre-modern Islam, a fact that is closely related to the demise of faculties and departments of Oriental Studies and the corresponding appearance of Islamic history and Islamic religion in faculties and departments of History and Religious Studies. "An ability to parse Homer did not give one knowledge of Ionian land tenure, or gender relations, and the same must go for Arabic"[69] (which is very different from denying that the *sine qua non* of writing Islamic history is the ability to construe the classical language). Even so, it is a measure of just how conservative the professional study of Islamic history remains that the noisiest controversy of the last 25 years concerns the *reliability* of our written sources, rather than the models according to which we are to understand and use them. Virtually to a man and woman, we are all unreconstructed positivists, determined to reconstruct texts or the reality we take them to reflect.[70] Neither the "linguistic turn," which dissolves the referential bond that is supposed to tie reader to text to reality, nor the new cultural history, by which I mean an approach that construes the "state" or "religion" as discursive objects rather than transcendent universals that become particularized in specific historical moments, has had any real impact on the field.[71] As Turner

Journal of Islamic Studies 11 (2000): 231f. (only monotheists can understand revelation, and the Qur'ān is the "best and most complete example" of the phenomenon).

[68] As Turner, *Marx and the End of Orientalism*, 9, put it "Once the novice has mastered the Arabic which the Orientalist, by professional agreement, recognizes as 'a difficult language', there are few difficulties involved in research."

[69] F. Halliday, " 'Orientalism' and Its Critics," *British Journal of Middle Eastern Studies* 20 (1993): 154f.

[70] I include here J. Wansbrough, although his positivism is so ambivalent that it requires exegesis of its own; for a number of views on his views, see the issue of *Method and Theory in the Study of Religion: Special Issue, Islamic Origins Reconsidered; John Wansbrough and the Study of Early Islam* 9.1 (1997), edited by H. Berg.

[71] As far as monographs are concerned, the closest we come to the linguistic turn is T. El-Hibri, *Reinterpreting Islamic History: Hārūn al-Rashīd and the Narrative of the ʿAbbasid Caliphate* (Cambridge: Cambridge University Press, 1999), and this is not as

has written, the "major problems of research for Orientalists are matters of philology, not epistemology."[72] However one wishes to regard this conservatism—and, generally speaking, I would regard it as a very good thing, since philology in general and source criticism in particular are proven methods that have led to real and probably irreversible results[73]—one consequence is that Orientalists and modernists occupy much the same methodological ground.

The apparent rancor between Orientalists and Muslims thus serves to mask even more common models and methods, at least two of which are especially important. The first is the view that the beginnings of Islam are both recoverable (in part or in detail) and decisive. Below I shall outline how some of the conclusions reached by more recent Western scholarship can be brought to bear upon modernist debates. Here it is enough to point out that whereas the modernist typically locates a *normative* Islam in its beginnings, much recent Western scholarship has come to speak of a *formative* Islam, when enduring patterns of thought and institutions were established. To speak of "normative" Islam is to speak in a prescriptive language of theology or law; while to speak of "formative" Islam is to speak in a descriptive language of evolution and functionalism.[74] But how does one *know* this early period? Here we arrive at the second piece of common ground occupied by historian of Islam and modernist Muslim alike. Both typically share a text-based positivism—the truth of what once happened can be comprehended because it is preserved in books; put uncharitably, it is a "fetish for facts" that is satisfied only by adducing textual evidence. Of the European context of these ideas, little needs to be said here. More should be said, however, about the modernist appropriation of these ideas.

Now it can hardly be disputed that pre-modern Muslim scholars had often claimed to know and to pursue the truth; they had also lived in a world of texts. Still, the remarkable exception aside, their enthusiasm for the truth was generally counterweighted by a respect

close as it first appears. It has been left to outsiders to marry the study of early Islam with cultural history or social theory; thus al-Azmeh, *Muslim Kingship: Power and the Sacred in Muslim, Christian and Pagan Polities* (London: I.B. Tauris, 1997), and M. Bamyeh, *The Social Origins of Islam: Mind, Economy, Discourse* (Minneapolis: University of Minnesota Press, 1999).

[72] Turner, *Marx and the End of Orientalism*, 9.

[73] J. Rogerson, *Old Testament Criticism in the Nineteenth Century: England and Germany* (London: S.P.C.K., 1984), 3.

[74] On unacknowledged functionalism, see Turner, *Marx and the End of Orientalism*, 82ff.

for tradition,[75] and their reliance on texts was mediated by the spoken word, memorized line and improvisational techniques of traditional learning. Put differently, modern texts possess a sheer facticity that no pre-modern *ʿālim* would have granted, steeped as he was in a culture of audition and orality, one in which authority lay not in the inert written word, but in an interplay between text on the one hand, and its reader and commentator on the other, one where multiple meanings were not merely accommodated, but in some measure even encouraged: if anything was fetished, it was *ikhtilāf*—agreeing to disagree—rather than facts.[76] The nature of the interplay between scholar and text obviously varied from place to place, time to time, and genre to genre, but there is some reason to think that early on it especially favored the scholars.[77] The hugely imaginative and manifestly improbable readings proposed by second/eighth- and third/ninth-century Qurʾān commentators reflect the discontinuities of the early scholarly tradition[78]—scholars in the third/ninth century clearly did not know what certain Qurʾānic terms had meant to Muḥammad and his audience—as well as the commentators' authority to impose meanings of their own. *Tafsīr* clarifies and occludes meaning. Similarly, legal literature. One does not have to accept Calder's re-dating of early Islamic legal texts to be impressed by his larger point: third/ninth-century legal thinking and writing were far more dynamic, eclectic, adaptive and creative than we have been inclined to believe.[79] Although the balance of authority would in some respects shift away from the scholar and towards the texts as time passed, the authority of the reader and commentator would always outweigh that of the written word.[80]

[75] See above, note 35.

[76] See Calder below and F. Malti-Douglas "Texts and Tortures: The Reign of al-Muʿtaḍid and the Construction of Historical Meaning," *Arabica* 46 (1999): 313–336; compare Mitchell, *Colonising Egypt*, 148ff., where Arabic is said to be closer to European languages to "the play of difference that produces meaning."

[77] Compare G. Schoeler, "Schreiben und Veröffentlichen: Zu Verwendung und Funktion der Schrift in den ersten islamischen Jahrhunderten," *Der Islam* 69 (1992): 1–43; partially translated as Schoeler, "Writing and Publishing: On the Use and Function of Writing in the First Centuries of Islam," *Arabica* 44 (1997): 423–435.

[78] For some examples, see P. Crone, "Two Legal Problems Bearing on the Early History of the Qurʾān," *Jerusalem Studies in Arabic and Islam* 18 (1994): 1f.; Crone, *Meccan Trade and the Rise of Islam* (Princeton: Princeton University Press, 1987), 203ff.; and (for an example from *ḥadīth* collections), J. Burton, *An Introduction to the Ḥadīth* (Edinburgh: Edinburgh University Press, 1994), 143.

[79] See N. Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), especially 198ff.

[80] The best general study on manuscript culture remains F. Rosenthal's *The Technique and Approach of Muslim Scholarship* (Rome: Pontificium Institutum Biblicum, 1947).

It has taken modernity and modern social dislocations to shift social authority decisively away from the *madrasah*-trained *ʿālim* and his world of *ijāzah, samāʾ, mashyakhah* and *riḥlah fī ṭalab al-ʿilm*, towards the (often self-trained) reader of authoritatively edited and mass-produced editions. The effect of these editions, which, in inspiration, were generated by the same nineteenth-century project of scientific historicizing that had generated interest in "civilization" itself, has apparently not yet been measured. Suffice it to say here that many modernists cut their academic teeth by editing texts, and that "the return of Islam" in the past 30 years or so has produced a boom in editing and publishing works from the classical Islamic past.[81]

Texts contain "facts" from which we can recover "reality." What, in practice, does this actually mean? As we have already seen, for those of us who remain committed to its underlying assumptions, it has produced results. For those who do not, the idea has produced confusion. For example, it may be that we have nothing less than the invention of a "system" of "Islamic law" that no pre-modern jurist would have recognized. According to this point of view, our unexamined positivism has mistaken literary conventions for reflections of social praxis; far from recording how Muslims applied or practiced law, "legal" discourse is highly theoretical, experimental and "reflexive," rather than practical or pragmatic.[82] Now this is a radical proposition, and one that requires further research; but given how our views of legal discourse have been so deeply conditioned by our experience of modernity's legal *codes*, it certainly enjoys verisimilitude. Less radical but no less important is the suggestion that our "fetish for facts" has led a long tradition of Western scholarship on Prophetic *ḥadīth* to reduce the sociologically complex and historically contingent functioning of the Sunnah to the relatively narrow issue of its authenticity.[83] We may not be the first historians of religion to focus upon the "truth" of a given tradition's doctrine at the expense of its significance and cultural meanings, but we must count as amongst the most stubborn.[84]

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[81] There are many examples, including Muḥammad ʿAbduh (al-Jurjānī, Badīʿ al-Zamān, Ibn Sīdah, the *Nahj al-balāghah*), Rashīd Riḍā (Ibn Taymīyah, al-Jurjānī) and Muḥibb al-Dīn al-Khaṭīb (Ibn Ḥajar al-ʿAsqalānī, among others); on their readings of Umayyad history, see Ende, *Arabische Nation.*

[82] Thus Calder, "Law," 979f.

[83] Compare W.B. Hallaq, "The Authenticity of Prophetic Ḥadīth: A Pseudo-Problem', *Studia Islamica* 89 (1999): 75–90.

[84] Compare J. Neusner, "The Study of Religion as the Study of Tradition in

III

Stubborn, but not entirely irrelevant. For it is in the past that a program for the present is inscribed. As Mahdi put it:

> It is perhaps not an exaggeration to say that among modern Muslims, in particular, almost every movement of thought, whether religious, political or social, has tried to anchor itself to real or imagined facts of Islamic history, carefully selected and interpreted to justify or attack a current practice or future course of action. The fact that these movements of thought have been so numerous, often radically different, and sometimes even opposed to one another has meant that the resulting views of Islamic history might appear to the disinterested observer as ideological weapons rather than accounts of the past. Yet such is the nature of Islam (and other so-called historical religions) that there has always been and always will be a relationship between what Muslims believe to be true and right and what they believe to have taken place in early Islamic history. Their quest for justice seems to be closely related to their quest for the practice of the early Muslim community.[85]

Two of the arguments that I have been making—that Orientalists' and Muslim modernists' interests and attitudes overlap and that, like it or not, knowledge of Islamic history is in some measure political—can accordingly be combined in the form of a question: What can some recent work on early Islamic history, which is historically sophisticated enough to be clearly distinguished from conventional Orientalism, contribute to the debate now raging amongst Muslims about how Islam is to constitute itself in the twenty-first century? I should like to argue that it is a two-edged sword. Critical Western scholarship can and should contribute to the long-delayed project of historicizing a number of concepts and institutions that the tradition itself has conventionally viewed as both aboriginal and fixed.[86] In this way, it

Judaism," in *Methodological Issues in Religious Studies*, edited by R.D. Baird (Chico: New Horizons Press, 1975), 36. Of course, those who mount a *defense* of the authenticity of the corpus of Prophetic *ḥadīth* fall into the same category, and here, too, one is struck by how modern this discourse is; an example is M.Z. Ṣiddīqī, *Ḥadīth Literature: Its Origin, Development and Special Features* (Cambridge: Cambridge: Islamic Text Society, 1993 [1961]).

[85] M. Mahdi, "On the Use of Islamic History: An Essay," in *Arab Civilization: Challenges and Responses: Studies in Honor of Constantine K. Zurayk*, edited by G.N. Atiyeh and I.M. Oweis (Albany: State University of New York Press, 1988), 64.

[86] Compare M. Arkoun, "Islam, Europe, the West: Meanings-at-Stake and the Will-to-Power," in *Islam and Modernity: Muslim Intellectuals Respond*, edited by J. Cooper, R.L. Nettler and M. Mahmoud (London: I.B. Tauris, 1998), 187: "Unfortunately, the political classes do not cultivate historical memory as critical historians endeavour

can serve to subvert the epistemological authority of modernist traditionism. But this recent work can also recover a history of early *jihād* that runs nervously close to the prescriptions of the Islamists, one which will have little appeal to those who seek to "domesticate" Islam in line with the prevailing forms of modern Christianity and Judaism.[87] The results, both good and bad, must be taken seriously.

Reduced to its essentials, the Islamist reading of the tradition holds that normative Islam is defined by the Qur'ān and the Prophet's paradigmatic conduct (Sunnah) as it is recorded principally in third/ninth- and fourth/tenth-century sources (chiefly but not exclusively legal and historical in character), these sources sometimes—certainly not always—being refracted through the work of secondary and tertiary medieval authorities (e.g. Ibn Taymīyah [d. 728/1328] and Ibn Kathīr [d. 744/1373]),[88] and typically reformulated in terms consonant with the defining feature of modernity: the nation state.[89] We have already described one of its signal results: that "system" of belief and action that is to be "applied," and that bears so little resemblance to the implicit, taken-for-granted and densely allusive world occupied by pre-modern Muslims. The path to applying this "system" currently being blocked by corrupt and secular regimes that have failed to uphold God's law, force of arms (*jihād*) is not only licit, but a requirement incumbent upon each individual believer.

How does this reading of the tradition, which is outlined here in an admittedly very schematic form, fare in the light of modern Islamics? Now there are serious questions about the history of the Qur'ān as both a text and a source of law—when did the text sta-

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to reconstruct it; they prefer to make selections from 'places of memory' imposed by official historiography—images with the power to mobilize, such as noble moments and conquering heroes. . . ."; compare also A. Laroui, *Islam et histoire: essai d'épistémologie* (Paris: A. Michel, 1999), especially 125ff.; and R.S. Humphreys, "Modern Arab Historians and the Challenge of the Islamic Past," *Middle Eastern Lectures* 1 (1995): 119–131.

[87] I borrow the word from J.Z. Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1982), 104.

[88] Both of whom, of course, sit very uneasily in the mainstream pre-modern tradition; see E. Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven: Yale University Press, 1990); and N. Calder, "*Tafsīr* From Ṭabarī to Ibn Kathīr," in *Approaches to the Qur'ān*, edited by G.R. Hawting and A.K.A. Shareef (London: Routledge, 1993), 123ff., which demonstrates how radically Ibn Taymīyah and Ibn Kathīr break from tradition and why the latter is so appealing to modernists: "He [Ibn Kathīr] does not generally like polyvalent readings, but argues vehemently for a single 'correct' reading."

[89] See, *inter alia*, Zubaida, *Islam*, 3.

bilize in its present form and when did it become decisive in legal questions?[90]—and since these remain unsettled, we may profitably begin with Muḥammad himself, particularly because it is his legacy, rather than the text of the Qur'ān, into which so much history and law are read.

As many readers of this volume will know, the view that the law was not originally organized around Prophetic traditions, but rather *became* traditionist during the second and third Islamic centuries, derives from the work carried out by Goldziher (d. 1921) and Schacht during the first part of the twentieth century, and is now nearly axiomatic amongst those who work closely on the earliest texts.[91] Far from being predetermined by the experience of the earliest Muslim community, the rise of legal traditionism is thus shown to be both secondary and controversial;[92] in fact, one alternative (the view that Qur'ān alone should generate the law) was not so marginal as the later traditionist sources would have us believe.[93] Closely related to a crucial feature of Schacht's model—that the historical memory and social function of Muḥammad evolved in this "formative" period of the first/seventh, second/eighth and early third/ninth centuries, eventually endowing his conduct with paradigmatic force—is a second trajectory of research, in which H. Lammens (d. 1937), J. Wansbrough (d. 2002) and P. Crone figure prominently.[94] Here Prophetic biography is regarded as either useless or deeply problematic for reconstructing the history of the first/seventh century. The original context

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[90] Crone above, note 78, and Hawting, "The Role of Qur'ān and *ḥadīth* in the Legal Controversy About the Rights of a Divorced Woman During Her 'Waiting Period' (*ʿidda*)." *Bulletin of the School of Oriental and African Studies* 52 (1989): 430–445.

[91] No crisper summary of the Schachtian position can be found than in P. Crone, *Roman, Provincial and Islamic Law: The Origins of the Islamic Patronate* (Cambridge: Cambridge University Press, 1987), chapter 2.

[92] P. Crone and M. Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986).

[93] See Wansbrough, *Sectarian Milieu*, 85; M. Cook, "ʿAnan and Islam: the Origins of Karaite Scripturalism," *Jerusalem Studies in Arabic and Islam* 9 (1987): 161–182; and G. Hawting, "The Significance of the Slogan *lā ḥukm illā lillāh* and the References to the *ḥudūd* in the Traditions about the Fitna and the Murder of ʿUthmān," *Bulletin of the School of Oriental and African Studies* 41 (1978): 453–463.

[94] Some of H. Lammens's work is now available in English translation: Lammens, "Koran and Tradition—How the Life of Muhammad was Composed," translated by Ibn Warraq; "The Age of Muhammad and the Chronology of the Sira," translated by anonymous and Ibn Warraq; and "Fatima and the Daughters of Muhammad," translated by anonymous and Ibn Warraq; in *The Quest for the Historical Muhammad*, edited by Ibn Warraq (Amherst: Prometheus Books, 2000), 169–187, 188–217, and 218–329, respectively; see also Wansbrough, *Quranic Studies*; and Crone, *Meccan Trade*, 213ff.

of Qurʾānic revelations was lost to scholars of the late second/eighth and third/ninth century, who had in any case much less authentic history at their disposal than they did tales and legends that circulated orally; as a result, they imposed a meaning of their own. This, rather than a continuous tradition of memorizing or writing, produced the genre of Prophetic biography.[95] Similar criticisms have been made about the authenticity of other forms of early historiography, such as the late second/eighth- and third/ninth-century conquest narratives that are transmitted in our sources.[96]

Now it is true that the Schachtian model has been challenged recently,[97] as has the view that exegetical concerns alone can be said to have produced Prophetic biography.[98] But in neither case can we say that the legal or biographical tradition has been vindicated, nor that we possess a more persuasive model for the origins of the surviving literary forms. Had the Prophet's Sunnah (or anything like it) existed and been decisive in the first Islamic century, the religious tradition would have taken a shape very different from the one we know it to have taken. And if one can no longer assume that all Prophetic *ḥadīth* are forged or that there is no authentic material in the *sīrah*,[99] no one has yet proposed a reasonable way of distinguishing between authentic and inauthentic.[100] Here it bears repeating that scholars have had much more to say about the issue of origins (in this case, the origins of traditionism and legal thinking, e.g., the "influences" exerted by Jewish and Roman law), than they have

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[95] My views on the rise of the historiographic tradition can be found in C.F. Robinson, *Islamic Historiography* (Cambridge: Cambridge University Press, 2003), part I.

[96] Thus Noth, *Early Arabic Historical Tradition*; compare Robinson, "The Study of Islamic Historiography: A Progress Report," *Journal of the Royal Asiatic Society* (3rd series) 7 (1997): 199–227.

[97] For an attempt to reconstruct early Medinan *fiqh*, see Y. Dutton, *The Origins of Islamic Law: The Qur'an, the Muwaṭṭa', and Madinan ʿamal* (Richmond: Curzon, 1999); for a reconstruction of Meccan *fiqh*, Motzki, *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*, translated by M.H. Katz (Leiden: E.J. Brill, 2002).

[98] See *The Biography of the Prophet Mohammad: The Issue of the Sources*, edited by H. Motzki (Leiden: E.J. Brill, 2000); for an overview of some of the controversies, H. Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Richmond: Curzon, 2000).

[99] See now G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds* (Berlin: Walter de Gruyter, 1996).

[100] I regard as promising the project proposed by Motzki, "The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of Some *maghāzī*-Reports," in *The Biography of Muḥammad*, 170–239; but the method is extraordinarily laborious and the payoff (the historical "kernel") very modest.

about its durability—so much so that one might discern the curiously static model of post-formation ("classical") Islam that we encountered earlier: the "system" now being in place, history no longer requires much explanation. This is clearly wrong, but it probably says as much about the paucity of Islamic historians as it does their inclinations. Were there more of us working on pre-modern Islam, there would be many more questions asked and answered.

Source-critical Islamic history has thus produced a fairly coherent account of the rise of traditionism: the model makes sense of both the social context of the late antique Fertile Crescent *and* the surviving evidence, however exiguous it may currently be. It also conforms to what the history of religions would tell us to suspect: authoritative élites are created over time rather than bequeathed by individuals, and these élites' assertions of what is or what should be are conventionally expressed in "descriptions" of what was. Would anyone seriously argue now that Peter founded the Papacy, that, as Stephen I (254–257 C.E.) describes it, its basis is the *cathedra Petri*?[101] Prophetic Sunnah belongs in the same category: as dogma, it is best regarded as a matter to be accepted or rejected by the believer, rather than proven or falsified by the historian, especially given the state of the evidence. For the historian it is more important to regard it as the result of a process—the concentration of religious authority in a social group that was becoming increasingly independent of state patronage during the third/ninth century—that masks a contentious formative period, one in which the status of the four "Rightly-Guided Caliphs" was at first a matter of bitter dispute,[102] the Companions of the Prophet could be vilified,[103] and the early caliphs could claim religious authority as God's deputies, rather than the Prophet's successors, at turns contending with and patronizing the traditionists.[104] It

[101] Similar questions could be put to the study of Rabbinic Judaism, where the skeptical tide began to rise in the 60s and early 70s, just a few years before it reached Islamics; see P. Schäfer, "Research into Rabbinic Literature: An Attempt to Define the status quaestionis," *Journal of Jewish Studies* 37 (1986), p. 143.

[102] This dogma is widely accepted by modernists, Islamists and secularists alike; on Aḥmad b. Ḥanbal's view, which excluded ʿAlī, see W. Madelung, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen* (Berlin: de Gruyter, 1965), 225f.

[103] E. Kohlberg, "Some Imāmī Shīʿī Views on the Ṣaḥāba," *Jerusalem Studies in Arabic and Islam*, 5 (1984): 143–175 (Hishām b. al-Ḥakam charges the *ṣaḥābah* with unbelief). On this score, a great deal of "radical" contemporary Islamic thought is moderate by pre-modern standards.

[104] Crone and Hinds, *God's Caliph*; compare. M.Q. Zaman, *Religion and Politics under the Early ʿAbbasids: The Emergence of the Proto-Sunnī Elite* (Leiden: E.J. Brill, 1997).

can only be counted as ironic that it was the rise of the parvenu ʿAbbāsid state—the dynasty later lambasted by hard-core traditionists for admitting the "foreign sciences" into Islamic learning—which seems to have been decisive for the emergence of traditionism. For it was the ʿAbbāsids who directly and indirectly patronized learning on a massive scale, and under whose aegis city élites began to produce traditionist sons.[105]

So behind the relative homogeneity of traditionist learning of the fourth/tenth century lies the heterogeneity of second/eighth- and third/ninth-century thought, so much of which has been lost. And if one is to speak of a normative Islam in the formative period, it is scarcely preserved by the Sunni lawyers of the classical period, whose authority was grounded in the transmission of *ḥadīth* and the (nearly) uniform Islam it attributed to the Prophet and his contemporaries. One does not have to entertain the notion of multiple "Islams" à la Neusner's "Judaisms"[106] to see that regionalism was certainly a feature of early law.[107] On this count, then, our results clearly subvert the neo-traditionists' *epistemological* authority, based as it is on the reliability of the *ḥadīth*, *sīrah* and historical traditions. Insofar as a reformation of Islamic thought requires dismantling the *ḥadīth*-based epistemology of the classical period—that is, that normative Islam is fully and accurately described by the *ḥadīth* literature—and rebutting the totalizing claims made by lawyers of the post-caliphal period, some of the hard work has therefore already been done.[108] It follows that the liberal modernist's true friend is not the mealy-mouthed Western academic who offers irenic platitudes, but the revisionist who ruthlessly historicizes its origins.

What, in practice, can that mean? Let us take as another example the immensely controversial—and thoroughly plastic—doctrine of *jihād*.

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[105] Robinson, *Islamic Historiography*, chapter 5.

[106] For something very close to such a view, see above note 60; for a useful typology, see J. Waardenburg, "Official and Popular Religion as a Problem in Islamic Studies," in *Official and Popular Religion: Analysis of a Theme for Religious Studies*, edited by P.H. Vrijhof and J. Waardenburg (The Hague: Mouton, 1979), 340–386.

[107] The idea is Schacht's, but see now C. Melchert, "How Ḥanafism Came to Originate in Kufa and Traditionalism in Medina," *Islamic Law and Society* 6 (1999): 318–347; and W. Hallaq, "From Regional to Personal Schools of Law? A Reevaluation," *Islamic Law and Society* 8 (2001): 1–26.

[108] Compare al-Azmeh, "The Muslim Canon from Late Antiquity to the Era of Modernism," in *Canonization and Decanonization*, edited by A. van der Kooij and K. van der Toorn (Leiden, E.J. Brill, 1998), 191–228.

Is *jihād* obligatory upon the believer, and, if so, how is the obligation to be discharged? The question admits a number of answers. It is a salient feature of apolitical modernism that it opposes the Islamists' call that political action should be effected through *jihād*. Here it is not just a matter of reading *jihād* as *farḍ kifāyah* (that is, an obligation that can be discharged by an individual, such as the caliph, or the modern state's army, on behalf of other believers) at the expense of *farḍ ʿayn* (an obligation incumbent upon each believer to discharge on his own); this has a venerable place in the pre-modern tradition. Nor is it a matter of taking issue with what they regard as the Islamists' reckless practice of *takfīr*, since that was common enough in the pre-modern period too, at least among Khārijites, who came in for plenty of criticism. For some modernists also attempt to anchor in the earliest, recoverable layers of the tradition a reading of history that distinguishes between personal belief and political action, going so far as to reduce the Prophet's "Islam" to the revelations conventionally dated to the Meccan period of his career, when he was working for internal reform within Mecca, rather than waging war with its neighbors.[109] From one's study in Oxford such a distinction between belief and political action appears very desirable, and it is not hard to see why it would have its appeal, particularly in Western Europe. So far as I am aware, however, this reading is a distinctly modern one; and although some early Muslims may very well have drawn the distinction, the historian cannot comfortably recover it from the texts. Insofar as one can speak of a normative Islam of the first century, at its heart lay the concept of *jihād*—that is, the *jihād* of real warfare making manifest real belief.

Given all of the thorny historiographic problems of the early first/seventh century, how does one proceed?[110] If one grants that Muḥammad's career can be divided (equally or unequally) between a Meccan and a Medinan period,[111] one may turn to the standard periodization of Qurʾānic passages to infer and contextualize his thoughts. But

[109] Thus M. Charfi, *Islam et liberté: le malentendu historique* (Paris: Albin Michel, 1998).

[110] The best survey remains F.E. Peters, "The Quest for the Historical Muhammad," *International Journal of Middle East Studies* 23 (1991): 291–315; reprinted in *The Quest for the Historical Muhammad*, edited by Ibn Warraq (Amherst: Prometheus Books, 2000), 444–475. The fullest discussion of *jihād* is A. Morabia, *Le ğihâd dans l'islam medieval: Le "combat sacré" des origines au XII*[e] *siècle* (Paris: A. Michel, 1993).

[111] On the symmetry of these two periods, see U. Rubin, *The Eye of the Beholder: The Life of Muhammad as Viewed by the Early Muslims: A Textual Analysis* (Princeton: The Darwin Press, 1995), 197–209.

considering the problems that attach both to these periodizations and to the closure of the text itself,[112] we are safe only in assuming that the Qurʾān gives expression to the vision of the early Muslim community. In other words, whatever Muḥammad may have had in mind, the community decided what he had in mind by settling upon and canonizing the text that they held to be his recitation of God's revelation. Whether or not it captured word-for-word Muḥammad's revelations or was legally authoritative in this very early period, we may fairly assume that it gave voice to the community's principal values. And the text, of course, places great emphasis upon fighting (*qitāl*) and *jihād*, by which it clearly means raising arms on behalf of God and "going out" to fight (thus, amongst many others, Qurʾān 2:193, 8:39, 9:33, 48:17, and 61:4); quietism—literally, "sitting"—is scorned (Qurʾān 4:95 and 9:46, amongst others). If one *is* determined to pin down Muḥammad's vision in Medina, one can turn to the so-called "Constitution of Medina," which he apparently set in writing soon after the *hijrah*. Here, too, *jihād* is central to his concerns: this is a document (or a set of documents) that seems to reflect a proto-state in a full state of war.[113] To this—the Qurʾānic and "documentary" evidence for *jihād*—one can add evidence of a more controversial and inferential variety, but which seems to preserve early opinion. Here I would count the veterans' names transmitted by Ibn Isḥāq and Ibn Hishām (e.g., those who "fought alongside Muḥammad at Badr," etc.), which comprises part of what Sellheim regarded as the *Grundschicht* of the *sīrah*,[114] and the early and dateable non-Islamic material, which emphasizes Muḥammad's role as a monotheist warrior.[115]

That Muḥammad took God to mean that fighting on His behalf meant real warfare against unbelievers is fairly clear, and so, too,

[112] A relevant verse is Qurʾān 110:1 (*idhā jāʾa naṣru Allāh wa-al-fatḥ*), which is sometimes considered Meccan and sometimes Medinan; for a brief discussion, see Robinson, "Conquest," in *The Encyclopaedia of the Qurʾan* (Leiden: E.J. Brill, 2001–), 1:397–401; for a full discussion, see Morabia, *Le ǧihâd*, 119ff.

[113] See R.B. Serjeant, "The 'Constitution of Medina,'" *Islamic Quarterly* 8 (1964): 3–16.

[114] R. Sellheim, "Prophet, Chalif und Geschichte: Die Muhammed-Biographie des Ibn Isḥāq," *Oriens* 18–19 (1967): 73ff.

[115] For Muḥammad being alive during the conquest of Palestine, see Cook and Crone, *Hagarism*, 4; compare also Hoyland, *Seeing Islam*, 555; for the view that Muḥammad is a false prophet because he comes with a sword, see Robinson, "Prophecy and Holy Men in Early Islam," in *The Cult of the Saints in Late Antiquity and the Middle Ages: Essays on the Contribution of Peter Brown*, edited by J. Howard-Johnston and P.A. Hayward, (Oxford: Oxford University Press, 1999), 252 (the discussion there underpins some of my argument here).

did the early Muslims who followed him: upon Muḥammad's death, the Medinan élite set upon a policy of war that would carry them out of Arabia into the Mediterranean and Asian worlds, the sweeping success of the conquests (*futūḥ*) coming to signal the new dispensation—God's "reckoning" and "delivering" of His bounty to His people.[116] And war-making did not stop with ʿUmar, since it clearly lay near the heart of Umayyad state-building throughout the first/seventh and early second/eighth centuries.[117] But it is not just the state that was geared for war. It appears that taking up arms remained one of the principal forms of early Islamic piety in general. The historical and legal traditions thus trace an ongoing practice of *hijrah* (emigration for the purposes of taking up arms) and *jihād* well into the second/eighth century.[118] From this perspective, it becomes clear that the state's policy of war was not motivated simply by a desire on the part of its élite for spoils and lands, although these must have been strong inducements; it was both a reaction to and reflection of the continuing vitality of the Qur'ānic vision of *jihād*. The Umayyad and early ʿAbbāsid state might attempt to monopolize violence by professionalizing its armies, leading splashy but usually ineffectual *jihād*s against the Byzantines,[119] or suppressing rebellions led by Khārijite charismatics, at least some of whom had apparently come off the army's rolls and all of whom called for *jihād* against whomsoever they considered unbelievers.[120] For their part, scholars might contribute to the cause by spreading *ḥadīth* that forbade post-Prophetic *hijrah*, engineering the doctrine of *farḍ kifāyah*, and "interiorizing" *jihād* in that of the *jihād al-nafs*.[121] But the original meaning of *jihād* seems to have survived, inviting readings that states, both pre-modern and

[116] See above, note 112.

[117] For a review of the historical literature, K.Y. Blankinship, *The End of the Jihād State: The Reign of Hishām b. ʿAbd al-Malik and the Collapse of the Umayyads* (Albany: State University of New York Press, 1994).

[118] P. Crone, "The First-Century Concept of *hiğra*," *Arabica* 41 (1994): 352–387; Sālim b. Dhakwān, *The Epistle of Sālim ibn Dhakwān*, edited by Patricia Crone and Fritz Zimmerman (Oxford: Oxford University Press, 2001), 278f.

[119] Compare M. Bonner, *Aristocratic Violence and Holy War: Studies in the Jihad and the Arab-Byzantine Frontier* (New Haven: American Oriental Society, 1996).

[120] For a very useful overview, see, in addition to Morabia, *Le ğihâd*, M. Schwartz, "Ğihād unter Muslimīn," in *Studien zum Minderheitenproblem im Islam* (Bonn: Selbstverlag des Orientalischen Seminars der Universität, 1980), part 6; on Khārijites as ex-soldiers, Robinson, *Empire and Elites after the Muslim Conquest: The Transformation of Northern Mesopotamia* (Cambridge: Cambridge University Press, 2000), 109ff.

[121] I borrow "interiorize" from Morabia, *Le ğihâd*, 293.

modern, regularly found objectionable. The reading of *jihād* proposed by Ḥasan al-Bannā (d. 1949) is a case in point, and, predictably enough, he spent lots of time in jail. Like it or not, the reading is reasonably faithful to the evidence for early Muslim practice that we historians have to hand.[122]

IV

I have discussed traditionism and *jihād* not merely because they illustrate how knowledge of early Islamic history impinges upon the politics of the modern Islamic world, but because they illustrate something about the problem with which this essay began. Does "Islam" fit into "late antiquity," and, if so, how? Faithful to the approach taken so far, I pose more problems than I supply answers.

The tradition itself typically offers a negative answer. "In its equation of the origins of the career of Muḥammad and its detailed depiction of Muḥammad's life in Mecca and Medina, Muslim tradition effectively disassociates Islam from the historical development of the monotheist stream of religion as a whole. Islam is shown to be the result of an act of divine revelation made to an Arab prophet who was born and lived most of his life in a town (Mecca) beyond the borders of the then monotheistic world."[123] *Jāhilīyah, mabʿath, hijrah, futūḥ*—these are terms that describe rupture rather than transformation. Of course this is belief rather than history—a belief in the uniqueness of a particular moment, when the laws of history, such as the role of context and continuity, are suspended.[124] And this belief—that Islam, and, by extension, Islamic history, are exceptional—is held not only by most believers, but in a closely related form by many Orientalists, whose long training and unexamined prejudices have often lead them to emphasize the distinctiveness and mystery of Islam—and thus their own interpretive authority. Arabic is difficult, Islam is different: the two ideas combine to form the purported exceptionalism of Middle Eastern and Islamic studies, and thus make for

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[122] Ḥasan al-Bannā, *Majmūʿat al-rasāʾil* (Beirut, n.d.), 41ff.

[123] Hawting, "John Wansbrough, Islam, and Monotheism," *Method & Theory in the Study of Religion* 9 (1997): 24.

[124] Compare E.M. Moreno, "El surgimiento del islam en la historia," in *V Semana de Estudios Medievales* (Logrono: Gobierno de La Rioja, Instituto de Estudios Riojanos, 1995), 16.

a compelling assertion of professional privilege amongst Orientalists.[125]

Assertions of professional privilege, in addition to less interesting reasons, thus go some way towards explaining why the few attempts that have been made to offer an affirmative answer to our question—that Islam *does* fit into "late antiquity"—have generally come from those on the margins or outside of the mainstream Orientalist tradition. None has been entirely persuasive, however. Neither Becker, who saw Islam as the fruit of Hellenism, nor Wansbrough, who obliterated its Arabian origins, can be said to command a consensus;[126] meanwhile, Brown can reasonably be said to have made Islam look Christian,[127] and Fowden can reasonably be said to have made Byzantium appear Islamic.[128] Surely part of the confusion lies in what we mean by "Islam" and at what period we are interrogating it. An inconclusive conclusion may begin where the evidence is strongest: in the post-conquest provinces.

The conquests may have changed the political map of the Near East, it is said, but we know that they did not obliterate it. As Kennedy puts it in the volume with which I began, ". . . reflection will soon suggest that the changes [of the first/seventh century] cannot have been so sudden and dramatic, especially at the level of the structures of everyday life, and that the Islamic was as much, and as little, a continuation of late antiquity as was western Christendom."[129] The decisive evidence adduced here and elsewhere is the material evidence, which in practice nearly always means the archaeology and art history of Syria and Palestine: "Late Antiquity surviving," as Brown puts it in a caption underneath a photograph of mosaic work on the Umayyad mosque of Damascus.[130] "Who Built the Dome of the Rock?"

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[125] Compare Eickelman and Piscatori, *Muslim Politics*, 56; the shared perspective of Islamist and Orientalist is also pointed out by Halliday, "'Orientalism' and Its Critics," especially 155.

[126] C. Becker, "Das Islam als Problem," *Der Islam* 1 (1910): 1–21; for a reading of pre-Islamic history as monotheist polemic, see now Hawting, *The Idea of Idolatry and the Emergence of Islam: From Polemic to History* (Cambridge: Cambridge University Press, 1999).

[127] Or at least a generic late antique monotheist: thus Brown, *World of Late Antiquity*, 191: ". . . the Muslim guided his conduct by *exactly the same considerations* as did any Christian or Jew throughout the Fertile Crescent" (emphasis added).

[128] The Byzantine "commonwealth" is strikingly 'Abbāsid in description; compare F. Millar, "Byzantium, Persia and Islam: The Origins of Imperialist Monotheism," *Journal of Roman Archaeology* 7 (1994): 509–511.

[129] *Late Antiquity*, 219; the symmetry between "Islam" and "Christendom" is again worth noting.

[130] Brown, *World of Late Antiquity*, 195.

Peters asks himself, and although the answer he gives (Heraclius) cannot be correct, he is entitled to ask the question.[131] To be sure, there is some contrary evidence that suggest breaks in trade patterns;[132] not all is "transformation," and an adequate understanding of the first/seventh and second/eighth centuries should not preclude *a priori* the possibility of decline: Islamicists need not join what amounts to a cult of late antique continuity.[133] All this said, insofar as the art historical evidence from Syria and Palestine suggests a broader cultural adaptability and eclecticism at work amongst early Muslims at large, it makes more intelligible how they appropriated and transformed ideas and institutions elsewhere, particularly in Iraq: traditionism (in general) and several legal problems and categories (in particular) can scarcely be understood without reference to Rabbinic Babylonia.

Indeed, there is no question that Islamic traditionism developed alongside and in some respects interacted with Rabbinic Judaism, with which it shared Iraq; even the most conservative scholar of Prophetic *ḥadīth* would have to concede that Muslims and Jews approached and solved problems in strikingly similar ways. Call it "borrowing" or call it "symbiosis,"[134] the fact remains that Muslims and Jews rubbed shoulders and shared ideas. Another fact is that we have hardly begun to understand how Islamic and Jewish traditionism relate or why traditionism became so compelling during the late second/eighth and third/ninth centuries; in part this is because the evidence is so problematic,[135] and in part because our interest in problems of authenticity and reliability has bordered on the obsessive.[136] Elsewhere I have made some suggestions about traditionism's

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[131] F.E. Peters, "Who Built the Dome of the Rock?," *Graeco-Arabica* 2 (1983): 119–138.

[132] For an overview, see A. Walmsley, "Production, Exchange and Regional Trade in the Islamic East Mediterranean: Old Structures, New systems?" in *The Long Eighth Century: Production, Distribution and Demand*, edited by I.L. Hansen and C. Wickham (Leiden: E.J. Brill, 2000), 265–343.

[133] Compare J.H.W.G. Liebeschuetz's polemic, "Late Antiquity and the Concept of Decline," *Nottingham Medieval Studies* 45 (2001): 1–11.

[134] Compare A. Geiger, *Was hat Mohammed aus dem Judenthume aufgenommen?* (Bonn: F. Baaden, 1833) and S. Wasserstrom, *Between Muslim and Jew: The Problem of Symbiosis under Early Islam* (Princeton: Princeton University Press, 1995); see also Calder, *Studies*, 161ff.

[135] For an attempt to solve some of the problems, see M. Cook, "The Opponents of the Writing of Tradition in Early Islam," *Arabica* 44 (1997): 512ff.

[136] Despite its idiosyncrasies, Burton, *Introduction*, reflects the field's preoccupation. That this shared world of Mesopotamian traditionism has been ignored by historians of late antiquity says much more about their training and orientation (especially as late Romanists and Byzantinists) than it does about the significance of the phenomenon itself.

appeal to social élites and the integrating effects of its procedures (e.g. travel and command of Arabic),[137] but these ideas are tentative and in any case entirely functional in approach. What are we to make of the fact that the great third/ninth-century compilers hailed from the East rather than the political heartland?[138] In asking questions such as these, we safely leave aside sensitive questions about authenticity and reliability, and we may therefore find ourselves communicating more usefully with Muslim scholars of all persuasions. The stakes being lower, the payoff may actually be higher.

But what of the first/seventh century? One still needs reminding that neither traditionism nor Marwānid architecture is history made by first-generation Muslims in the Ḥijāz, but rather that of second-, third-, fourth- and fifth-generation Muslims in the conquered lands. In other words, although the evidence demonstrates precisely the sort of cultural continuities that one would expect of barbarian conquerors assimilating "upwards" towards the standards set by cosmopolitan subjects, it sheds no direct light on the "Islam" that had made them conquerors in the first place. Given all the controversies surrounding our literary and historical sources, one hesitates to argue against such spectacular examples of cultural continuity as the Dome of the Rock or the Umayyad Mosque of Damascus, much less against the archaeological "data" that suggest continuities in urban plans and settlement patterns. Still, the fact of the matter is that until we have some reliable archaeological data from Arabia proper, we have no direct material evidence for the "Islam" of the conquerors themselves and thus no way to argue for continuity across the conquest divide. What would Abū Sufyān have made of the paintings at Quṣayr ʿAmrā? It is impossible to say. We may be able to move from the Ghassānids to the Umayyads *within* Syria,[139] but that is a very different thing from moving from the Quraysh of the Ḥijāz to Marwānid caliphs and princes who were born, operated and ruled in Syria. The non-Islamic literary evidence, which is all written outside of Arabia, knows too little of what was going on there to be very useful. As long as our evidence remains so weak, the models we choose to apply will exert disproportionate power on our explanations.

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[137] Robinson, *Empire and Elites*, 170f.

[138] Compare R. Mottahedeh, "The Transmission of Learning: The Role of the Islamic Northeast," in *Madrasa*: *la transmission du savoir dans le monde musulman*, edited by N. Grandin and M. Gaborieau (Paris: Editions Arguments, 1997), 63–72.

[139] Compare E.K. Fowden, *The Barbarian Plain: Saint Sergius between Rome and Iran* (Berkeley: University of California Press, 1999), 174ff.

Of course all of the preceding assumes two things, both of which are part of the traditional narrative, and, taken together, contribute to the claim of exceptionalism. The first is that the *Sitz im Leben* of primitive "Islam" was a pre-conquest Ḥijāz. The second is that this pre-conquest Ḥijāz was insulated from the cultural currents of the metropolitan Near East of late antiquity. The propositions leave us with the understanding of Islam that prevails in surveys of late antiquity: the "Islam" of Muḥammad is a "detonation" (read: discontinuity),[140] while that of the post-conquest Umayyads assimilates to late antique traditions (read: continuity).

There are two possible resolutions to this problem of initial discontinuity. One may take the Ḥijāz out of the desert and put it into mainstream of late antique ideas, or one may take the engineers of earliest Islam—in effect, the "author(s)" of the Qurʾān—out of Arabia and put them in second/eighth- or third/ninth-century Iraq or Syria. The second solution is the more radical, and in its purest form belongs to Wansbrough, who pushed the closure of the Qurʾānic text into the late second/eighth or early third/ninth centuries. For all its immense heuristic value, it cannot be sustained by the available evidence,[141] and replaces one problem (cultural discontinuity) with another: the conquests, having lost their ideological fuel, become accidental. Such an idea is unattractive to begin with, and even harder to maintain now that we cannot fall back upon the supposed weakness of the Byzantine army of the first/seventh century: "The Arabs took over territory by energetic conquest, not by default on the part of their opponents."[142] Surely it is belief of one sort or another that accounts for this "energy." The first solution—that the Ḥijāz somehow belongs to late antiquity—has proven altogether more popular, and although it is subject to hyperbole,[143] it seems to me far more promis-

[140] "Detonation" is Brown's word; see Brown, *World of Late Antiquity*, 189.

[141] See Crone, "Two Legal Problems"; and F.M. Donner, *Narratives of Islamic Origins: The Beginnings of Islamic Historical Writing* (Princeton: Darwin Press, 1998), 22–63.

[142] M. Whitby, "Recruitment in Roman Armies from Justinian to Heraclius (ca. 565–615)", in *The Byzantine and Early Islamic Near East III: States, Resources and Armies*, edited by A. Cameron (Princeton: Darwin Press, 1995), 122.

[143] Thus, according to Brown, who was building upon Watt's work, "[T]he inhabitants of Mecca and Medina were far from being primitive Bedouin. The towns had grown rapidly through trade and were supported by settled agriculture. They were ruled by oligarchies, who had suddenly found themselves the merchant-princes of the seventh-century Near East"; Brown, *World of Late Antiquity*, 189. A retreat is made on the following page: "Yet for all these foreign contacts . . .", but Muḥammad still ends up conforming to a late antique type.

ing. For the cultural insularity of the Ḥijāz *is* starting to break down: a *koine* of late antique religious architecture that includes the Ḥijāz can now provisionally be identified,[144] and the argument for an Aramaic contribution to the Qurʾānic lexicon has recently been revived.[145]

We can also see this in the least promising of all places. If traditionism is a clear marker of post-conquest continuities, what of *jihād*? The conventional answer has been that *jihād* is a distinctly Islamic phenomenon, by which is meant that it resulted from Muḥammad's compelling synthesis of radical monotheism and tribal violence: ferocious but fissiparous tribesmen became God-fearing conquerors campaigning for a single cause.[146] Cook and Crone described Islamic civilization as the issue of the marriage of "barbarian force and Judaic values."[147] This may be the case. But it may also be that Muḥammad's spectacularly successful call for monotheist violence was exceptional only in its success. For the last convulsions of the Byzantine-Persian wars of the sixth and early seventh centuries had a crusading spirit about them, especially Heraclius' final charge into Sasanian Iraq in 627 or 628, a campaign that began ceremoniously at Easter of 622, brought low the God-hating Khusraw, and eventually culminated in the restoration of the Cross to Jerusalem.[148] "For fallen is the arrogant Chosroes, opponent of God," as a seventh-century Byzantine historian put it, in ways not dissimilar from the Qurʾānic representation of Muḥammad's Meccan adversaries, among others.[149] In fact, the missive announcing Heraclius' success, which survives in the same source (the *Chronicon Paschale*), reads much like the material we find embedded in the Islamic accounts of the conquest of Ctesiphon in al-Ṭabarī's

[144] J. Johns, "'The House of the Prophet' and the Concept of the Mosque," in *Bayt al-Maqdis: Jerusalem and Early Islam*, edited by J. Johns (Oxford: Oxford University Press, 1999), especially 100.

[145] Thus C. Luxenberg (a pseudonym), *Die syro-aramäische Lesart des Koran: ein Beitrag zur Entschlüsselung des Koransprache* (Berlin: Das Arabische Buch, 2000).

[146] Compare F.M. Donner, *The Early Islamic Conquests* (Princeton: Princeton University Press, 1981).

[147] Cook and Crone, *Hagarism*, 74.

[148] *Chronicon Paschale, 284–628 A.D.*, translated by M. Whitby and M. Whitby (Liverpool: Liverpool University Press, 1989), 182ff.; compare Sebeos, *The Armenian History Attributed to Sebeos*, translated by R.W. Thomson with commentary by J. Howard-Johnston (Liverpool: Liverpool University Press, 1999), 1:78ff. and 2:218ff. I owe to James Howard-Johnston the idea that Heraclius and Muḥammad were speaking a similar language.

[149] For the range of the Qurʾānic *ḥizb*, see R. Paret, *Der Koran: Kommentar und Konkordanz* (Stuttgart: W. Kohlhammer, 1971), 233.

Ta'rīkh. What we seem to have is not just another common historiographic idiom, but rather a common conception of how to effect God's will on earth. *Jihād*, it turns out, does in some form belong to late antiquity. Put differently: what made early Muslims distinctive from other late antique monotheists was not their embrace of religiously sanctioned warfare, but their designs: whereas Heraclius' *jihād* resulted in the destruction of a state (the Sasanian), Muḥammad's resulted in the formation of a state—the most robust state of late antiquity.

V. *Conclusion*

I conclude with two brief propositions.

1. First, the totalizing definition of "Islam" as law-based civilization and program says as much about modernism as it does pre-modern Muslims: our knowledge does not issue directly from texts, but is mediated by (largely) unacknowledged categories and models. The professional study of pre-modern Muslims can thus benefit from greater understanding of the social and cultural changes produced by modernity, especially those that condition understandings of religious traditions. In the meantime, let us abandon "Islam" as a term of historical explanation.
2. Second, the supposed "exceptionalism" of Islamic history says as much about professional expertise and religious belief as it does the history made by Muslims: the laws of history (insofar as they exist) are not suspended in southwest Asia. This said, culture still matters: it is not accidental that Ḥasan al-Bannā articulates his revolutionary ideas in recognizably Islamic terms, and however radical modernists' views might appear to pre-modern Muslims, the religious tradition of texts (including evolving procedures of reading, writing and understanding), practices and memories continues to exert influence. The professional study of contemporary Muslims can thus benefit from the historical expertise that is generally associated with Orientalist learning.

B. SUNNAH AND *ḤADĪTH*

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QUR'ĀN AND SUNNAH: A CASE OF CULTURAL DISJUNCTION

John Burton

On the death of Muḥammad in 11/632, the religio-political institution he had skillfully constructed faced threat of dissolution, according to the Tradition. The tribal coalition he had built by diplomacy and military force might have unraveled but for the determination of his immediate successor. Medina reconquered its former allies,[1] producing in the process battle-hardened troops and the momentum to break out of Arabia to overrun the surrounding lands of the failing Byzantine and Persian Empires. The settlement and Islamization of Syria, Egypt and Iraq raised internal political problems, as the new masters of the territories struggled for political control and their share of the increasing wealth of the new Empire.

For its first thirty years the community experienced a series of smooth successions, as elderly in-laws of the Prophet followed each other in the leadership, (*khilāfah*). But, thereafter, the ambitions of younger in-laws and the centrifugal force of power dynamics in Syria, Egypt and Iraq combined to plunge the infant polity into the graver dangers of civil war among Muslims for control of Islam. From these struggles, Syria emerged successful but had to maintain firm control over both Iraq and Arabia where the smoldering bitterness of the losers, never extinguished, burst periodically into fresh flame, as the disaffected flocked to the standard of one after another Pretender. Two major tragedies sealed the fate of the new Syrian regime, destroying forever its hopes to command the loyalty of all the Muslims. In the interests of ensuring a smooth transfer of authority in turbulent times, the first Damascus ruler invited the regions to swear allegiance to his son as heir-presumptive. Iraq preferred the son of its former hero, ʿAlī, cousin of Muḥammad and husband of the Prophet's sole surviving child. The rejection by Medina of ʿAlī's bid to become the Prophet's fourth successor had driven him to search for support in Iraq. His

[1] In the Muslim perspective, rebellion is accounted apostasy, whence, the wars of the '*riddah*'.

pursuit by the Medinan opposition opened the first civil war, but only to thrust him, after initial victory, into a more desperate struggle with the Syrians under their Governor, Muʿāwiyah.[2] Rumors were circulated implicating ʿAlī in the murder of the late caliph, ʿUthmān, and implying that Muʿāwiyah was concerned merely with seeking to avenge his slain kinsman. Neither army proving strong enough to overcome the other, a prolonged military stalemate set in. Reports that a political settlement was being sought led to division in ʿAlī's ranks some of whom, proclaiming that God would decide the leadership, and clamoring for the issue to be determined by ordeal of battle,[3] were brutally suppressed by troops loyal to ʿAlī. The surviving rebels then avenged comrades by killing ʿAlī, thus handing an unexpected outcome to the Syrians. The transfer of power to Syria was resented in Arabia as a break with the Prophetic era, while it frustrated the aspirations of Iraq, which in the brief but contested caliphate of ʿAlī, had so nearly become the Islamic center. Both provinces refused to swear allegiance to Muʿāwiyah's proposed successor.

Arabia and parts of Iraq recognized the claim advanced by ʿAbd Allāh b. al-Zubayr, son of the slain leader of the Medinan opposition to ʿAlī, and himself a cousin of the Prophet and grandson of his first successor. Iraq supported al-Ḥusayn, son of ʿAlī and Fāṭimah. Syria responded, brutally extinguishing opposition in Medina and Mecca and mercilessly cutting down Ḥusayn and several of his relatives, regaining uneasy control of both regions. The events of these early years left an indelible impression on the psychology and cultural outlook of all participants, and even more marked on those of their descendants. The most significant effect would be on attitudes to the tension between the human and the divine components contributing to the institutions being evolved by the Muslims. The political integrity of Islam was to be pitted against the purity of belief.

Those former supporters of ʿAlī who had recoiled from the expediency of negotiation to insist on seeking God's decision, had abandoned (*kharaja*) ʿAlī's cause to become political and religious conservatives. Their protests would initiate discussions on the definition of faith, sin and disbelief. Islam, submission to the will of God, involved more

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[2] Muʿāwiyah had not converted until it was politic to do so on the conquest of Mecca in 8/630 ʿAlī, on the contrary, contests in the Tradition, with Abū Bakr, the merit of being "the first to convert."

[3] *Lā ḥukma illā li-Allāh.*

than verbal confession that "there is no god but God and that Muḥammad is the Prophet of God." True belief must be outwardly confirmed by right action. This meant strict adherence to the laws of God as set out in the Qur'ān, the avoidance of sin and ceaseless struggle against the sins of others. Proclaiming themselves the true Muslims, in imitation of the Prophet as portrayed in the verses of the Qur'ān, they invited all Muslims to make the *hijrah* to join them, condemning all who ignored their call as unbelievers against whom unceasing warfare must be waged. Their view that Islam meant "the Qur'ān in action," combined with the encounter between the Muslims and representatives of the earlier religions to raise theological questions on the locus and function of revelation, the relation between faith and acts and freedom of the human will. Excommunicating both rivals and supporters (*shī'ah*) of 'Alī, the Khawārij fought both indifferently with considerable ferocity, adding to the general unrest, distracting the Damascus regime from its main purposes of maintaining itself and preserving the integrity of the community. Opposing the extreme stance of the Khawārij, the main body of the faithful in Arabia, Iraq and Syria, adopted the pragmatic view that it mattered not who governed them, as long as governors strove to defend the lives and property of the Muslims, to preserve the unity of Islam and to further the work of the Prophet by bringing the spiritual gift of Islam to the wider world. Providing he maintain the peace, and expand the sway of Islam, the ruler might be any believer who upheld the fundamentals of the faith and enabled the faithful to observe the obligations and practices of the religion without let or hindrance and let them get on with their daily lives.[4] It was neither the right nor the responsibility of the citizen to enquire into the motives of other Muslims whose outward demeanor and conduct conformed with the norms of Islamic behavior. Only God can judge the purity of the human heart, as He surely will, and so men must await that judgment which will not be delivered in this world. The individual should cleave to the community,[5] observe the duties required

[4] Abū Dāwūd al-Ṭayālisī, *Sunan*, edited by Aḥmad 'Abd al-Raḥmān al-Bannā al-Sa'ātī (Cairo: al-Tāziyah, 1348/1929), 2:166; Ibn Qutaybah, *Ta'wīl mukhtalif al-ḥadīth* (Cairo: Maṭba'at Kurdistan al-'ilmīyah, 1326 [1908]), introduction.

[5] al-Shāfi'ī's interpretation of a related wording is perverse. Muḥammad b. Idrīs al-Shāfi'ī, *al-Risālah fi uṣūl al-fiqh* [and *Kitāb al-Umm*], edited by Naṣr b. Muḥammad b. Aḥmad al-'Ādilī, Muḥammad b. Muḥammad al-Balbīsī, *et al.* (Cairo: al-Amīrīyah, 1321–1324 A.H.), 1:65.

of him by God, as instructed by parents and teachers, fear Hell and hope to achieve the salvation of his immortal soul by fair dealing with his fellow-believers, then leave the outcome to God.[6]

With the sole exception of the Qur'ān, extended written prose works begin to appear only during the second/eighth century. Careful reading of these works in the exegetical and legal fields, (the latter of which is noticeably dependent on the former), inspires a realization that their authors were as remote culturally from the conditions that produced the Qur'ān, as they were temporally. The revelations had ceased with the death of the Prophet in 11/632, if not somewhat earlier. The ensuing turmoil was conducive to neither study nor reflection. The texts of the revelations had achieved widespread circulation in an as yet undeveloped script which did not distinguish the several phonemes which share a single written ductus, nor provide a means of indicating case—vowels, essential markers in a highly inflected language of the grammatical relations between the words constituting the individual sentences, and thus necessary to determining the intended meaning of the sentences. This lack caused surprisingly few problems, mostly of little, if any significance, which suggests a wide degree of agreement on the contents of a common shared text. The impression of the general satisfaction with an agreed shared text is reinforced by the asperity and longevity of one particular dispute. Qur'ān 5:6 reads: "When you rise to pray, wash your faces and your hands up to the elbows and wipe over your heads and your feet up to the ankles." To read 'feet' as genitive to accord with the preceding genitive of 'heads' implies that, like the head, the feet are to be wiped. The hands, like the face, (both accusative), are to be washed. Those who insist on an accusative reading of 'feet' recruited a prodigious exegetical, biographical and linguistic documentation not apparently required for the genitive reading. The division proved incapable of final resolution and the opposing views adopted came to serve as one element characterizing two separate tendencies in Islam: one group opted for wiping, a second insisted on washing the feet. The latter group introduced a further, highly significant concept that not merely characterized, but actually shaped early Islamic literatures. We see this in a report attributing to ʿAlī the statement, "The book brought wiping, but the Sunnah brought washing."[7]

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[6] *Irjā'*, whence *murji'*, Murji'ah.

[7] al-Farrā', *Maʿānī al-Qur'ān*, edited by Aḥmad Yūsuf Najātī and Muḥammad ʿAlī al-Najjār, (Beirut: Dār al-kitāb al-lubnānī, 1980), 1:302.

Sunnah, here contrasted with Qur'ān, refers to a second source underlying the structures of Islamic thinking on all aspects of intellectual life. The term means 'precedent', the safest approach to deciding any disputed question of belief or action being imitation of the views and conduct of the pious forebears. It was alleged that, although Qur'ān had specified wiping, the piety of the first generations had impelled them to go beyond mere superficial wiping to copious washing of the feet. A parallel version to our report has: "Gabriel brought wiping, but men would not be content with anything less than washing the feet."[8]

Given this second concept, Sunnah, whose adepts would come to be known as "Sunnis," it can safely be asserted that knowledge of the Qur'ān alone is inadequate for understanding the activities of scholars of the pre-literary age.

The function of the Sunnah was to bridge the 100 years' gap between the Qur'ān and the first literary statements on history, linguistics, exegesis, law and jurisprudence. All these written literatures claim descent from an earlier oral literature reaching in unbroken continuity back to Muḥammad and his followers, the "Companions," in reports transmitted across the intervening generations, as the Qur'ān texts had been preserved for posterity. Each such report is referred to as "*ḥadīth*," its text as "*matn*" and its content as "*sunnah*," that is, information on belief or praxis. Sunnah was based on a perceived need to explain or supplement the Qur'ān texts.

The expansion of Islam from its native Ḥijāz, begun in the lifetime of Muḥammad's Companions whom he had personally instructed, proceeded with such rapidity that, within 100 years, it had achieved a geographical spread from the Oxus to Spain, from Armenia to the Yemen. One does not expect unanimity on matters of faith and practice over such a vast area. Indeed, within a single province, differences were aired by scholars representative of Mecca and Medina, Baṣrah and Kūfah, or between Arabia and Iraq, Syria and Egypt. In constant, and usually acrimonious debates the scholars of the different centers deployed the teachings now attributed to their local 'pious forebears' who had given as their authorities the names of prominent figures in their past who had originally settled in and, as governors or judges, Islamized their localities. These were the men who had brought to their instruction of the local populace, whether

[8] al-Farrā', *Maʿānī al-Qur'ān*, 1:302. Both *ḥadīth*s concede the genitive reading of "feet" yet signal movement away from the Qur'ān if "feet" is read as genitive.

Muslim born, or lately converted from the previous religions, their knowledge of the Qurʾān and the oral instruction they had received directly or indirectly from the Prophet, or eye-witness accounts of the practice in his time. Attribution to named "authorities" is referred to as "*sanad*," "*isnād*," "prop" or "support."

The rapid expansion of Islam alone does not account for all differences. The Muslims of the first century and a half had had to endure the major upheavals and dislocations we earlier referred to: assassination of caliphs, killing of relatives of the Prophet, the unruly conduct of the Khawārij, and repeated desecration of the holiest sites of Islam. All these trials had fanned the hatred many groups felt towards the Damascus rulers whose many achievements in the name of Islam were subsequently downplayed by those who looked on them or their memory with loathing. They had been accused of seeking to foist on Muslims the alien concepts of kingship and hereditary monarchy. Widespread antipathy intensified the general atmosphere of disillusion and disaffection, proving ideal for the reception of the propaganda of a further faction claiming the leadership on the basis of descent from the Prophet's uncle, al-ʿAbbās. This claim was strong enough in law to dupe those who dreamed of the restoration of "the Holy Family," while appealing to others nursing accumulated grudges against the Syrian hegemony. With forces recruited in the Eastern provinces, the Abbasid party cautiously worked West until, with little difficulty, it toppled the unloved Umayyad regime that had maintained its power for some ninety turbulent years. The emphasis placed by the new regime on the illegitimacy of the Umayyads stimulated renewed examination of the springs of Islam in a pre-Umayyad "golden age" of the Medinan caliphate in the days of the "Companions of the Prophet."

The single-minded insistence of one group on Qurʾān as primary source of faith and practice, contrasts with the reliance of Sunnīs and Shīʿīs on sources external to the Qurʾān. Both alike cultivated teachings attributed to "the pious forebears." For the Sunnī, that meant the Prophet's Companions, especially his successors, while, for the Shīʿī, increasing infatuation with the concept of "the Holy Family" narrowed the scope of their Sunnah. We shall shortly enquire whether the Sunnī concept became similarly narrowed.

Rejection of the Medinan caliphate,[9] especially that of the hated Umayyad enemy, both of which had 'usurped' the place rightly ʿAlī's,

[9] *Rafḍ*, whence *rāfiḍī, rawāfiḍ*.

led the Shīʿah to document their beliefs from the Qur'ān and teachings attributed to ʿAlī, his male descendants and those few Companions of the Prophet who had risked and lost their lives to support ʿAlī and his sons. These were their 'pious forebears' from whom alone the faith was discoverable. Political considerations had engendered deep-seated mutual rancor, which had not failed to leave its imprint on developing Islamic scholarship. That the development was gradual, one-sided, and non-synchronous, is shown by one's regularly finding the names of ʿAlī amid those of his early descendants—to the Shīʿah, the sole legitimate *imāms*[10]—in the *isnād*s of Sunnī scholars, on the same footing as those of Medinan and Umayyad caliphs, among a host of other of the Companions of the Prophet and their successors. The Shīʿī scholars did not reciprocate this courtesy.

Differing parties, created by political events, continued their military and intellectual hostilities. The need to justify to their followers attitudes on disputed questions, or react to criticism from opponents, engendered irreconcilable theologies and competing source-theories. The flavor of one early dispute is conveyed in reports, which although ostensibly historical, were of academic origin. The Prophet is alleged to have declared "Never let me find any of you who, when reports from me concerning a command or prohibition that I have issued reach him, says, 'I don't know. I'll follow what I find in the Qur'ān.' "[11] Insistence upon exclusively divine regulation implies rejection of extra-Qur'ānic evidence, while defense of Sunnah appears to be thought to be best furnished by Sunnah. In the present case, the "pious forebear" is the Prophet.

The literatures appearing in the second century show that, in the first half of the century, Qur'ān commentary and discussions on religious practice and law were already far advanced. One observes unanimity on a range of basics in most branches of what we may call the "religious and civil law," although only on generalities. There is consensus that one must pray, fast, pay tax, perform pilgrimage, but, on the details, the widest disagreement prevailed. Participants in these discussions recognized that their standpoints remained regional. Anas had served the Prophet from boyhood until the Prophet's death, following which he had settled at Baṣrah, where his name became a byword with scholars accumulating proofs for the Sunnah. On a later visit to his former home in Medina, Anas rose following a meal

[10] Frequently used synonym of *khalīfah* (caliph), but with more religious overtones.
[11] al-Shāfiʿī, *al-Risālah*, 1:15, 32, and 5.

to perform the *wuḍūʾ*. "What's this, Anas" his fellow-guests teased him, "some Iraqi custom?"[12]

Incessant labors by countless anonymous scholars had resulted in statements on law and theology that reflected differences natural in widely separated centers and in increasingly hostile sects. Most scholars good-naturedly tolerated then, accepting that different traditions had evolved in different regions, based on reports from the successors of the several founders of the first regional congregations. Scholars countenanced disagreement, if hoping to convince each other by offering interpretations of each other's differing evidence.[13] Occasionally, however, one notes that the tone can become sharper. Contemplating the accumulating evidence for the views and practices of "the pious forebears,"[14] the more critical felt obliged by recent political developments to scrutinize more keenly than before the beliefs of those from whom they gleaned their information. Early works in the disciplines of Qurʾān commentary, biography, law and the rest show many instances of mere "I have heard", " We are told", "It is said", and the like.[15] Events had, however, destroyed trust. One Baṣran scholar is represented as advising his colleagues to ponder "from whom they accepted their religion. Before the upheaval, men had been trusting of each other, but, after it, had begun to ask their informants to name their sources, and accepting the reports of the Sunnīs."[16] "Who told you that?" marks the beginning of the *isnād*, without which no *ḥadīth* is acceptable. Precise identification of informants began to be demanded and, once introduced, *isnād* blossomed into a complete science. The names of the informants had to be known and their political and theological affiliations considered and, as with witnesses in court, their moral and social reputations probed. "We made such close enquiries that they supposed we were sounding out

[12] Malik b. Anas, *al-Muwaṭṭaʾ*, edited by Muḥammad Fu'ād ʿAbd al-Bāqī (Beirut: Dār al-kutub al-ʿilmīyah, n.d.), 1:25–28 [*Ṭahārah, tark al-wuḍūʾ mimmā massat al-nār*].

[13] Compare al-Shāfiʿī, *Ikhtilāf al-ḥadīth* (Beirut: Muʿassasat al-kutub al-thaqāfīyah, 1985).

[14] As in the title of Muḥammad b. al-Ḥasan al-Shaybānī, *Kitāb al-ḥujjah ʿalā ahl al-Madīnah* (Beirut: ʿĀlam al-kutub, 1405/1985).

[15] *Balaghanī, kāna yuqāl, qīla* are commonplace in works on all subjects.

[16] Muslim b. al-Ḥajjāj, *Ṣaḥīḥ*, edited by Muḥammad Fu'ād ʿAbd al-Bāqī (Beirut: Dār al-fikr, 1983), 1:15 [*bāb fī anna al-isnād min al-dīn*]; A very popular saying, compare Khaṭīb al-Baghdādi, *al-Kifāyah fī ʿilm al-riwāyah*, edited by Hāshim al-Nadwī, Muḥammad Ṭāhā al-Nadwī, *et al.* (Hayderabad: Dā'irat al-maʿārif al-ʿUthmānīyah, 1357/1938), 121–3 for a list of Companions, Successors and even sectaries. The list includes Anas b. Sīrīn and Muḥammad b. Sīrīn, dual resolution of simple 'Ibn Sīrīn', a common phenomenon.

the man's merits as potential in-law."[17] These procedures took time to develop and, when they had, restrictions had to be placed on the zeal of critics. It is surprising to learn how many celebrated names in the history of Sunnah are assigned to this or that theological or political grouping later considered 'undesirable'.[18] Sunnī scholars were constrained when challenged, to claim that they refrained from accepting information from known activists for non-approved groups and looked with disfavor on reports from men if they reflected favorably on their known aberrant views.[19] It also began to be noticed that even the most distinguished scholars of recent times had not routinely named their sources. Gaps were seen in many an *isnād*, with intermediate links lacking.[20] Some scholars even seemed to give their informants names other than those by which they were usually known,[21] while others were content to accept information from "all and sundry."[22] Caution in handling such reports was advised, unless it could be shown that similar reports had been recorded by others of equal or superior repute. The axiom appeared that reports from several transmitters were "safer" than those of a single scholar,[23] although, if the individual were one of the major figures whose reports were not normally countered by those of equal reputation, it was deemed safe to rely on them.[24] Despite the hazards attendant on the use of the *ḥadīth*, by the end of the second century, the Muslims congratulated themselves on the efficacy of this instrument of knowledge of which no previous culture had had the benefit, nor of the security provided by the safeguards of the tests applied by the expert critics.[25] Since the very beginning of Islam, they had been warned by the Companions and even by the Prophet[26] that people would attempt to smuggle fabrications into the literature, but the acuity of the experts was a match for any such attempt.[27] By long study the

[17] Khaṭīb al-Baghdādi, *al-Kifāyah*, 93—a treasure house of discussions on all aspects of use or non-use of *isnād*s.
[18] For one list, Khaṭīb al-Baghdādi, *al-Kifāyah*, 125.
[19] Khaṭīb al-Baghdādi, *al-Kifāyah*, 116 and 160.
[20] al-Shāfiʿī, *al-Risālah*, 1:63–64, and Khaṭīb al-Baghdādi, *al-Kifāyah*, 384ff.
[21] al-Shāfiʿī, *al-Risālah*, 1:52–53, and Khaṭīb al-Baghdādi, *al-Kifāyah*, 355ff.
[22] Muslim, *Ṣaḥīḥ*, 1:10–11 [*al-nahy ʿan al-ḥadīth bi-kulli mā samiʿa*]. Khaṭīb al-Baghdādi, *al-Kifāyah*, 91.
[23] al-Shāfiʿī, *al-Risālah*, 1:40.
[24] Khaṭīb al-Baghdādi, *al-Kifāyah*, 86.
[25] Khaṭīb al-Baghdādi, *al-Kifāyah*, 36.
[26] Abū Dāwūd, *Sunan*, 2:125.
[27] Khaṭīb al-Baghdādi, *al-Kifāyah*, 36–37.

critics had developed an instinct by which no forgery, however subtle, could escape.[28]

Transmitters were formed into a hierarchy. At the apex stood persons as to whose religious and social conduct, truthfulness and excellence of memory suspicion had never been voiced. Men of this caliber, whose qualities were asserted rather than demonstrated, it was presumed, would have applied the same standards they demanded of themselves in those from whom they accepted information.[29] The difficulty here arises that the critics exhibit the widest variation in their assessments of the transmitters on whom they comment.[30]

An incidental debate about whether, in the earliest generation, *ḥadīth* had, or had not been recorded in writing[31] does not indicate that written records were recent. Reference to writing and correspondence is sufficiently frequent in the sources to support a conclusion that men who had preserved the Qurʾān in writing were capable of preserving other matter in the same way. Rather, it was lingering suspicion of the traps awaiting students of unpointed and unvowelled texts[32] that underlay the demand of the critics that, where any informant delivered reports from his own or another's book, he must demonstrate that he had *heard* his informant and had memorized every item in the book before reciting from it.[33] That was how the Qurʾān texts had been preserved.

Opponents of the Sunnah movement pointed with glee at the inadequacies of the supposed safeguards. They charged the Sunnah scholars with incompetence, or at times, illiteracy. One of them had solemnly recited from "Seventy-seven" in a text attributed to Sufyān and Shuʿbah;[34] others mentioned "a man's backside" for "the rear pommel of the saddle".[35] *Ḥadīth*s were reported from eminent transmitters who, on hearing themselves quoted, insisted that they were

[28] Referred to as *dhawq*.

[29] al-Shāfiʿī, *al-Risālah*, 1:52–53.

[30] See al-Shaybānī, *Kitāb al-ḥujjah, passim*; al-Shāfiʿī, *Ikhtilāf al-ḥadīth, passim* and his other polemical writings.

[31] ʿAbd Allāh b. ʿAbd al-Rahmān al-Dārimī, *Sunan al-Dārimī* (Cairo: Dār al-maḥāsin, 1966), *bāb man lam yara kitābat al-ḥadīth* and *bāb man rakhkhaṣ fī kitābat al-ḥadīth*; Khaṭīb al-Baghdādi, *Taqyīd al-ʿilm*, edited by Yūsuf ʿIshsh (Damascus: Dār ihyāʾ al-sunnah al-nabawīyah, 1974).

[32] Khaṭīb al-Baghdādi, *al-Kifāyah*, 163, *lā yuftī al-nās ṣaḥafī wa-lā yuqriʿu-hum muṣḥafī*.

[33] al-Shāfiʿī, *al-Risālah*, 1:51.

[34] ʿAbd Allāh b. Muslim b. Qutaybah, *Taʾwīl mukhtalif al-ḥadīth* (Cairo: Maṭbaʿat Kurdistan al-ʿilmīyah, 1326 [1908]), 12–13.

[35] Ibn Qutaybah, *Taʾwīl mukhtalif al-ḥadīth*, 12–13.

hearing them for the first time.[36] They were not exempt from memory failure. Assured that they had transmitted those *ḥadīth*s, they were later heard declaring: "Zayd informed me from me that ʿAmr had informed me . . .".[37]

Clear, indispensable criteria to govern transmission were commended in the oldest surviving monograph on the handling of religiously significant or legally sensitive reports in deriving the law.[38] The work dates only from the end of the second century. It focuses chiefly on two questions: justification of the use of non-Qur'ān materials as legal sources and techniques for removing from the law matter not generally agreed. The aim was to formulate a supra-regional law applicable to all Muslims. Recognizing the circularity of using Sunnah to vindicate Sunnah against those who insisted that the Qur'ān be seen to be the exclusive source of Islamic law, while arguing against those who still clung to teachings attributed to their local pious forebears, Shāfiʿī tried to convince both groups that it is the Qur'ān that imposes upon every Muslim an obligation to accept whatever the Prophet has been reported as commanding. Qur'ān verses directed at compelling the Prophet's contemporaries to adhere to Muḥammad's every demand, as he struggled to create and protect a political organization as the vehicle of a religious institution, were amassed to convince second century Muslims.[39] Prophet reports must be accepted as sole arbiter in all matters. Rulings reported from Muḥammad are the rulings of God.[40] Verses declaring the Qur'ān to be authentic revelation are diverted to refer to *ḥadith*s from the Prophet.[41] Determined defense of the Sunnah leads to several important conclusions, as the Qur'ān's insistence on the Prophet's role leads to a novel emphasis on the uniqueness of reports from Muḥammad. He had been granted in matters of belief and legislation a status granted to none of his contemporaries. Information reported from the Prophet's Companions or their Successors, is

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[36] Khaṭīb al-Baghdādi, *al-Kifāyah*, 138 and 381. ʿAbd Allāh b. al-Zubayr al-Humaydī, *al-Musnad*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: ʿĀlam al-kutub, 1382), 78,225.

[37] Khaṭīb al-Baghdādi, *al-Kifāyah*, 223. al-Shāfiʿī, *al-Umm*. (Bulāq, 1321–4), 6:274.

[38] al-Shāfiʿī, *al-Risālah fī uṣūl al-fiqh*.

[39] Qur'ān 53:2–3: Muhammad does not speak from whim; this really is divine revelation. Qur'ān 10:15: I do but follow what is revealed to me. Qur'ān 59:7: Whatever the Prophet gives, accept; whatsoever he denies you, that accept.

[40] *Ḥukmu-hu ḥukmu-hu*, al-Shāfiʿī, *al-Risālah*, 1:14–15.

[41] al-Shāfiʿī, *al-Risālah*, 1:14.

thereby cast into a subordinate role. Given statements purporting to have came down from the Prophet, amid overwhelming volumes of conflicting reports from other pious forebears, those from the Prophet must be accorded priority.[42] Sunnah means only Sunnah of the Prophet. Reports from his contemporaries retain value only in the absence of reports from the Prophet. Should they coincide with Prophet reports, reports from Companions are redundant.[43] Any that conflict with Prophet reports must be rejected, or at best, used as evidence that the Companion in question had been absent on some business or other and the scholar should then conclude that that Companion had not heard the Prophet report.[44] The Qurʾān proclaimed that it was the perennial revelation cast into Arabic to make it intelligible to those it addressed.[45] It charged Muḥammad with the further duty of interpreting its texts.[46] No other could fulfill this task, since no other had been granted global command of the entire language.[47] The entire Arabic-speaking population has this total knowledge, although no individual has.[48] The entire collective of Sunnah scholars possess the entire Sunnah, although no individual has. When Sunnah experts agree, they are therefore incapable of error.[49] Correct interpretation of Qurʾān texts is the prerogative only of language experts, but under the guidance of Sunnah experts. A further consequence of the selection of verses of service to his theory of the Sunnah was Shāfiʿī's conviction that, although on occasion treating of different topics, both Sunnah and Qurʾān were of divine inspiration.[50] There are two divine revelations: one to be recited in the ritual prayers and one not to be recited in the ritual prayers.[51]

The most delicate aspect of Shāfiʿi's analysis of these twin sources concerned the relation of Sunnah to Qurʾān. As divine revelations, they could never be in real conflict.[52] The Sunnah he divides into three categories.[53] Sunnah that expresses rulings in precisely the same

[42] al-Shāfiʿī, *al-Risālah*, 1:17.
[43] al-Shāfiʿī, *al-Risālah*, 1:58–59.
[44] al-Shāfiʿī, *al-Risālah*, 1:34.
[45] Qurʾān 12:2, 13:37, and 42:7.
[46] Qurʾān 16:44—usually taken to refer to Muslims. That is at least questionable.
[47] al-Shāfiʿī, *al-Risālah*, 1:8.
[48] al-Shāfiʿī, *al-Risālah*, 1:65.
[49] al-Shāfiʿī, *al-Risālah*, 1:65.
[50] al-Shāfiʿī, *al-Risālah*, 1:7 and 16.
[51] al-Shāfiʿī, *al-Umm*, 7:271.
[52] al-Shāfiʿī, *al-Risālah*, 22, 28, 33, and 75.
[53] al-Shāfiʿī, *al-Risālah*, 1:7 and 16.

terms as the Qurʾān. Sunnah that provides details of rulings expressed in the Qurʾān in outline. The Qurʾān is clear on the obligation to pray, fast, pay taxes and perform the pilgrimage. Only the Sunnah, however, demonstrates when, how often, precisely how and by whom the rulings are to be observed and who, if any, is *exempted* from these obligations. For all details of the correct performance of religious duties upon which depends divine reward, Muslims need the instructions found only in the Sunnah of the Prophet. They need even more the instructions found only in the third class of Sunnah on matters unmentioned in the Qurʾān, yet covered by the Qurʾān's general injunctions to obey Muḥammad in all things.[54] Qurʾān 5:6, for example, might require, in the case of the feet, what it requires in the case of face and hands: washing; or what it requires in the case of the head: wiping. It could require this of all who rise to pray, but the Sunnah shows that those who were ritually pure when they donned footwear are not required to wash the feet before praying. They may wipe over their footwear.[55] This is to cast the Qurʾān, as reports from Companions have already been cast into a position of subordination to the Sunnah.

The Qurʾān imposes amputation of the hand for theft.[56] The Sunnah shows the Prophet doing so, only for goods taken from under cover and whose value/price exceeds quarter of a *dīnār*.[57] The Qurʾān imposes 100 lashes for sexual misconduct, but states that the *muḥṣan* slave-girl incurs half the penalty of the free *muḥṣan* female.[58] The Qurʾān excludes slaves from the full penalty. Shāfiʿī cites two reports: When questioned about a slave-girl who is not *muḥṣan*, the Prophet ruled that for misconduct, she should be flogged. If she repeats the offence, she should be flogged, but after a third offence, she should be sold.[59] In his second report, the qualification "*muḥṣan*" is absent. The Prophet ruled that the slave-girl who commits misconduct and the offence is proven, should be flogged.[60] Noting that the Prophet did not mention stoning Shāfiʿī states that the Muslims are unanimously of the view that no slave is stoned.[61] As, in the report, "*muḥṣan*" does not

[54] al-Shāfiʿī, *al-Risālah*, 1:7 and 16.
[55] al-Shāfiʿī, *al-Risālah*, 1:12 and 33.
[56] al-Shāfiʿī, *al-Risālah*, 1:12. Qurʾān 5:38.
[57] al-Shāfiʿī, *al-Risālah*, 1:12.
[58] Qurʾān 24:2 and 4:25.
[59] al-Shāfiʿī, *al-Risālah*, 1:21.
[60] al-Shāfiʿī, *al-Risālah*, 1:21.
[61] al-Shāfiʿī, *al-Risālah*, 1:21. Slaves lack the qualification of liberty.

occur, the term which does occur at Qur'ān 4:25, must refer to Muslim slave-girls. The root refers to a 'barrier' and Islam is a barrier to sinful conduct. Further, the Sunnah shows the *exclusion* of the free non-virgin offender from the Qur'ān's flogging penalty and hence its restriction to the free virgin offender.[62] "Had these rulings been based solely on the Qur'ān, the amputation would have to be applied to every thief and the flogging to every single instance of sexual misconduct."[63]

Here, and in similar discussions, a key word in the Qur'ān passages, *muḥṣan*, was clearly unintelligible to the scholars. The legal *sunnah*, mere remnants of ancient efforts to understand the Qur'ān, has obscured what may have been the original sense by setting up unnecessary conflict between the revelation and a derivative set of documents. Challenged on the term *muḥṣan*, Shāfiʿī argues that it is versatile.[64] Used of armor, or fortification, it means "protection."[65] Used of humans, it can apply to the protection offered by Islam, or by the spouse in a consummated marriage, or by personal liberty, by close supervision in the home, or to chastity.[66] Not mentioned in his list is the application of the same term to females seized in war whose marriage to heathen husbands is allegedly dissolved by their capture, an interpretation derived from inability to comprehend further use of the term in yet another Qur'ān context.[67]

Khārijī scholars are reported as dismissing with scorn the concession to wipe one's boots and the stoning penalty.[68] Both are simply contrary to the Qur'ān rulings. Shāfiʿī's general defense of the Sunnah where the Qur'ān is silent, even more where the Qur'ān is *not* silent, based on verses not relevant to that issue, indicates an awakened interest in the Qur'ān in the discussions on sources. Redefinition of Sunnah as "Sunnah of the Prophet," the pious forebear par excellence, to the disadvantage of Sunnah of other pious forebears, testifies to the intensity of the contemporary debates on the *ḥadīth* within the Sunnī scholarly community.[69]

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[62] al-Shāfiʿī, *al-Risālah*, 1:23.
[63] al-Shāfiʿī, *al-Risālah*, 1:13.
[64] al-Shāfiʿī, *al-Risālah*, 1:23.
[65] al-Shāfiʿī, *al-Risālah*, 1:21.
[66] al-Shāfiʿī, *al-Risālah*, 1:21.
[67] Qur'ān 4:24. al-Shāfiʿī, *al-Umm*, 4:184.
[68] Muḥammad b. ʿUmar al-Rāzī, *al-Tafsīr al-kabīr* (Teheran, 1970), *ad* Qur'ān 5:6, 4:15–16, and 24:2.
[69] The best analyses of the debates remain those of Ignaz Goldziher, *Muslim*

Questioned as to his view of the statement traced to the Prophet: "Compare what reaches you from me with the Qurʾān; if it agrees with it, I have said it; if it does not agree with it, I have not said it.' Shāfiʿī dismisses the *ḥadīth* on *isnād* grounds. "It has never been transmitted by any man whose reports are acceptable to the scholars."[70] Nevertheless, it is clearly aimed at rulings that departed from those of the Qurʾān.

Aware of misbehavior on the part of many transmitters, Shāfiʿī states merely that that had not been the style of those from whom he received his information.[71] He deplores the propensity of some to grasp at and transmit *ḥadīth*s of incomplete *isnād*, especially such as chance to chime with the views they advocate.[72] Aware that some *ḥadīth*s are not what they purport to be, he applies the rule developed in critical circles that transfers moral responsibility from the recipient of a *ḥadīth* to the informant.[73] Not being able, nor indeed, required, to examine the human heart, one judges by the forum externum in trusting to the good faith of those who transmit to one, as long as a formal *isnād* is provided.[74]

Schacht noted that Shāfiʿī's edifice of argument collapses on the question of the penalties for sexual misconduct.[75] The Khawārij observed that stoning is not the clarification of flogging while wiping is not washing and boots are not feet.[76] The fact that before the appearance of Shāfiʿī, the stoning penalty was upheld by the majority of scholars, Sunnī and Shīʿī alike, doomed the objections of the few who sought to dismiss stoning from the law. Shāfiʿī's mentor, Mālik, tried to identify the source of stoning. The claim that it

Studies (*Muhammedanische Studien*), edited by S.M. Stern, translated by C.R. Barber and S.M. Stern (London: George Allen and Unwin, 1971), vol. 2; and Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1959).

[70] al-Shāfiʿī, *al-Risālah*, 1:32. The content of these *ḥadīth*s is unstable. Compare, Khaṭīb al-Baghdādi, *al-Kifāyah*, 450: "There will reach you conflicting *ḥadīth*s; what agrees with Qurʾān and my Sunnah, is truly from me. What disagrees with Qurʾān and my Sunnah is not from me at all." This is a version used by al-Ṭabarī with an *isnād* to Abū Hurayrah.

[71] *Tadlīs*, falsification of the *isnād* in its lower reaches is recent. al-Shāfiʿī, *al-Risālah*, 1:52–53.

[72] al-Shāfiʿī, *al-Risālah*, 1:64.

[73] Muslim b. al-Ḥajjāj al-Qushayrī, *Ṣaḥīḥ Muslim*, edited by Muḥammad Fu'ād ʿAbd al-Bāqī (Beirut: Dār al-fikr, 1983), 1:8–9 [*bāb wujūb al-riwāyah ʿān al-thiqāt wa-tark al-kadhdhābīn*].

[74] al-Shāfiʿī, *al-Risālah*, 1:53.

[75] Schacht, *The Origins of Muhammadan Jurisprudence*, 15.

[76] al-Rāzī, *al-Tafsīr al-kabīr*, *ad* Qurʾān 5:6, 4:15–16, and 24:2.

originated in "the book of God" puzzled him. The *ḥadīth*s he knew left him undecided whether "Book of God" referred to Torah, Qurʾān or Sunnah. His *ḥadīth*s refer to all three.[77] Part of his material involved the caliph ʿUmar's supposed hesitation to insert into already complete Qurʾān texts the "wording" of the "stoning-verse" which he averred had been revealed to Muhammad, taught by him to his circle and recited by them all in the ritual prayers.[78] Muḥammad had, on occasion, publicly applied the penalty and, in this, he had been followed by his successors. ʿUmar admitted that his hesitation sprang not from doubt but from fear of public reaction. Comparable reports are conveyed in the oldest surviving works of prophet-biography and in Qurʾān exegesis,[79] but, in this case, mention of stoning is obviously a mere guess. The case of stoning represents an instance of desirable, but unattempted interpolation into the Qurʾān. Several commentaries on the Qurʾān locate a supposed hint at a stoning penalty in Qurʾān passages harshly critical of Jewish scholars for ignoring ordinances of the Torah.[80] There survives, however, an alternative interpretation of this section, which finds here a veiled reference to the talion.[81] Muḥammad had allegedly been approached to decide on disputes involving differential application of rules governing revenge and blood-wit. In both instances, he was commanded in the Qurʾān to judge on the basis of what had been revealed. The commentators read this: "on the basis of what has been revealed [to you]."[82] This interpretation has, at least the merit that the continuation of the passage does mention the Torah regulations on revenge.[83]

Both Goldziher and Schacht concentrated on scholarly differences to which they traced differences of *ḥadīth*. The former's brilliant

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[77] Mālik b. Anas, *al-Muwaṭṭaʾ*, 2:826–827 [*Ḥudūd, ḥadd al-zinā*].

[78] Mālik b. Anas, *al-Muwaṭṭaʾ*, 2:826–827 [*Ḥudūd, ḥadd al-zinā*].

[79] Ibn Hishām, *al-Sīrah al-nabawīyah* edited by Muṣṭafā al-Saqqā, Ibrāhīm al-Abyādī, and ʿAbd al-Ḥāfiẓ Shalabī. (Cairo, 1355/1936), 2:213–215. Muqātil b. Sulaymān al-Balkhī, *Tafsīr Muqātil ibn Sulaymān*, edited by ʿAbd Allāh Maḥmūd Shiḥātah, (Cairo: al-Hayʾah al-miṣrīyah al-ʿāmmah li-al-kitāb, 1989), 1:474–475.

[80] Qurʾān 5:41–50.

[81] Abū Jaʿfar Muḥammad b. Jarīr al-Ṭabarī, *Tafsīr al-Ṭabarī, Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān li-Abī Jaʿfar Muḥammad ibn Jarīr al-Ṭabarī 224–310 h*, edited by Maḥmūd Muḥammad Shākir and Aḥmad Muḥammad Shākir (Cairo: Dār al-Maʿārif, 1374–/1954–), 10:352. Compare, al-Ṭabarī, *Tafsīr*, 10:327–328.

[82] Muqātil b. Sulaymān, *Tafsīr*, *ad* Qurʾān 5:41–50, where "[to you]" is erroneously incorporated with the wording of the verse. This is followed by "in the Book, that *muḥṣan* and *muḥṣanah* are both to be stoned."

[83] Qurʾān 5:45.

analyses demonstrated the political, sectarian and theological rivalries from which so many bewildering differences had resulted. He discussed also the significance of the fundamental clash between "authority" (*isnād*), and reason (*raʾy*), or the *opinio* of qualified experts.[84] A weakness in his approach may be, however, his failure to note that behind the contempt for the *ḥadīth* shown, for example, by the Muʿtazilah, (intellectual heirs to the priority of the Qurʾān source principle of the Khawārij), lay a fear that the *ḥadīth*, of undeniably human origin, and marked by so many signs of incompetence and superstition, threatened to come between the Muslims (and the potential convert) and the intended meanings of the Qurʾān.[85]

Building on Goldziher's findings, Schacht examined the significance of Shāfiʿī's role, demonstrating the regional or sectional background of those he had opposed and, with penetration and insight, advanced methods of *isnād* analysis. His weakness was a tendency to underestimate the importance of the Qurʾān, more particularly, the connection between interpretations of the Qurʾān and their contribution to the Sunnah, as that had been understood in the pre-Shāfiʿī age. He failed also to note, as Abbott and Sezgin had argued, that *isnād* was not invariably appeal to persons. It applied equally to the writings of earlier scholars.[86] The vocabulary of the *ḥadīth* experts, with their insistence on *samāʾ*, actual audition, has obscured what should have been highlighted, that is, the role of written works and the wide use that had been made of them.[87] Unconvincing also is Schacht's linking the *ḥadīth*s "presumably to popular or official actions" in the late Umayyad period.[88] That resulted from the inability to follow the *isnād* past about the year 100 A.H. back into the first century. But dating the *isnād* is not the same as dating the content of the *ḥadīth*s. Schacht's handling of the caveat attributed to Ibn Sīrīn as marking the genesis of the *isnād* is especially inept,[89] matched only by his treating the reports on the 'variant reading' of Qurʾān 4:24, attributed to Ibn Masʿūd, Ibn ʿAbbās and Ubayy, as "historical" information enabling him to conclude that it "presumably" pointed to

[84] Goldziher, *Muslim Studies*, 2:78ff.
[85] Ibn Qutaybah, *Taʾwīl mukhtalif al-ḥadīth*, 9.
[86] Acceptance of the wide use of writing in *ḥadīth* and *tafsīr* fields should be kept separate from acceptance that the writings are traceable in their present form to their putative authors.
[87] Khaṭīb al-Baghdādi, *al-Kifāyah*, 164ff.
[88] Schacht, *The Origins of Muhammadan Jurisprudence*, 190ff.
[89] Schacht, *The Origins of Muhammadan Jurisprudence*, 37.

on ancient Arab institution, since "sanctioned and regulated in the Qur'ān."[90] I have argued elsewhere that the stoning-"verse" was an instance of desired, but unattempted interpolation into the Qur'ān texts, as the *mut'ah*, "temporary" marriage theme was an instance of attempted, but unsuccessful interpolation.[91]

Goldziher had viewed the so-called "variant rulings" as originating at a stage when the Muslims were still attempting to establish and stabilize the texts of their Qur'āns.[92] It is the very nature of these "readings" that, on the contrary, demonstrates that a fixed, if skeletal text existed, on which all sects and parties agreed. To read any unpointed Arabic text, one must first determine the meaning. Although recognizing also that the 'readings' marked the earliest phase in an emerging exegesis of the texts,[93] Goldziher did not pursue the function of any reading that consisted of an attempted interpolation. Nor did either Goldziher or Schacht appreciate that "variant" readings attributed to "the pious forebears" are themselves *ḥadīth*s to be treated with the same critical reserve which they brought to their assessment of other classes of *ḥadīth*. More importantly, neither took any account of the remarkable class of *ḥadīth* on which general unanimity obtained despite their obvious conflict with the Qur'ān text, such as those on the stoning penalty. The explanation of agreement is not of less importance than the explanation of disagreement.

Extrapolation from the Qur'ān vocabulary to construct narratives as an aid to interpretation, is a key feature of the early exegeses. The technique, known as *ta'yīn*, the identification of what has been left unnamed in the Qur'ān,[94] enabled the commentators to discourse learnedly on the topics, the dates and the persons involved in "situations" (*asbāb*)[95] that had supposedly led to the revelation in the lifetime of the relevant prophet. Reports on the *asbāb* transmitted from the Companions were regarded as reports from the Prophet, since information of that type could not have been arrived at by the exercise of reason. The topics treated involve world history, espe-

[90] Schacht, *The Origins of Muhammadan Jurisprudence*, 266ff.
[91] John Burton, *The Collection of the Qur'ān* (Cambridge: Cambridge University Press, 1977), 180 and 182.
[92] Goldziher, *Die Richtungen der islamischen Koranauslesung: an der Universität Upsala gehaltene Olaus-Petri-Vorlesungen* (Leiden: E.J. Brill, 1920), 1–54.
[93] Goldziher, *Die Richtungen der islamischen Koranauslesung*, 1–54.
[94] *Ta'yīn al-mubham.*
[95] *Asbāb al-nuzūl.*

cially the stories of Muḥammad's predecessors in the prophetic office, a particularly rich vein of narrative. The Qur'ān does not lack tantalizingly brief allusions to personalities of both Old and New Testaments and other old literatures that call out for supplementation to amuse and instruct the faithful in the mosques. The Prophet had encouraged the people to transmit reports from him and from the Children of Israel,[96] an injunction to which popular preachers responded in fullest measure, their fertile imaginations drawing their materials from the rich folklore and superstitions of the region with no thought of restricting themselves within the confines of revealed texts. To the most skilled storytellers the Muslims were indebted for knowledge of much more than the Qur'ān divulged. This type of material, vouched for by accompanying *isnād*s, could be exploited to bulk out the swelling masses of detail on the life of the Prophet from which scholars of the law or theology could select information relevant to their special disciplines. The skillfully constructed tales form much of the charm of the old commentaries, where they weave seamlessly in and out of the texts, compensating for the disjointedness and abrupt switches of the Qur'ān passages to provide a smooth, continuous narrative which, in capable hands can demonstrate imagination, high literary talent and the capacity to instruct, thrill, edify and entertain. They do not, however, add much to the understanding of the texts.

It had been *taʿyīn* that uncovered, for example, what the rabbis had striven to conceal: the mention of the coming of the Prophet Muḥannmad and the stoning penalty for adultery[97] which had both formed part of the revelation to Moses, of which the Qur'ān was the reformed continuation.

Serious scholars might disapprove of the unregulated excesses of the popular preachers and deplore their unskilled handling of the *isnād*, but grudgingly tolerated what they could not suppress. However, the extravagant, highly colored details of the marvels of the sensuous delights that await the Muslims in Paradise or the frightful horrors prepared in Hell for non-Muslims, in which the popular storytellers excelled, encouraged their avid listeners to virtue and deterred many

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[96] Abū Dā'ūd al-Ṭayālisī, *Manḥat al-maʿbūd*, edited by Aḥmad ʿAbd al-Raḥmān al-Bannā al-Saʿātī (Cairo: Munīrīyah, 1372/1952), 2:124. ʿAbd Allāh b. al-Zubayr al-Ḥumaydī, *al-Musnad*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: ʿĀlam al-kutub, 1382), no. 1165.

[97] Muqātil b. Sulaymān, *Tafsīr*, 1:480–482. Note that in this context, reference is made to "the Book and the Sunnah."

from doubt and sin.[98] Their exotic tales held great public appeal and on balance probably did little damage, but rather were conducive to the moral and ethical education of the masses. Strict *isnād* discipline was not insisted on.

The most respected of the later commentators might argue that much of this stuff was idle, that God had not commanded this class of knowledge, that acceptance of it or ignorance of it were neither relevant, nor, indeed, necessary for one's fate in the Hereafter, yet his own voluminous anthology of the commentaries of earlier generations, many still not otherwise available to modern scholars, is crammed with what he regarded as popular vanities. He insisted, however, that what touched upon doctrine or law must be introduced by an acceptable and unbroken *isnād*.[99]

Accidence, lexicography and syntax are prominent concerns of the old exegetical studies. In many cases, and not only in the earliest, the explanations offered can be seen to have resulted from mere guesswork. Linguistic studies advanced rapidly during the second century mainly in the Iraqi centers of Kūfah and Baṣrah. Vocabularies on various themes of Arab life, the camel, horse, sword, lance, the plants of Arabia and so on, were compiled with the aid of tribal informants as keys to the cultivation and comprehension of the great corpus of tribal poetry being eagerly collected. Among the major treasures of early philological labors is the dictionary of the Omānī scholar, al-Khalīl[100] and the systematic grammar of one of his students, Sībawayhi, including a section on Phonetics.[101] To the growing literature on the Qur'ān, these researches added the *Majāz*, (usages) of the Qur'ān of Abu ʿUbaydah[102] and the *Maʿānī*, (meanings of the Qur'ān), of al-Farrā'[103] which present the comments of mature philologists on the lexical, grammatical and syntactical aspects of the language of the Qur'ān, and of a number of the "variant" readings. Their studies were used, criticized and furthered by al-Ṭabarī in his encyclopedic commentary.[104] This great work contains, in addition,

[98] *Tarhīb wa-targhīb*.
[99] al-Ṭabarī, *Tafsīr*, 1:87.
[100] al-Khalil b. Ahmad, *Kitāb al-ʿAyn*, edited by Mahdī al-Makhzūmī and Ibrāhīm al-Sāmarrā'ī (Baghdad: Dār al-rashīd, 1980–1985).
[101] Abū Bishr ʿAmr b. ʿUthmān Sībawayhi, *al-Kitāb* (Būlāq, 1316 A.H.).
[102] Abū Ubaydah Maʿmar b. al-Muthannā al-Taymī. *Majāz al-Qur'ān*, edited by Muḥammad Fuʿād Sezgin (Cairo: Maktabat al-Khanjī, [1954–62]).
[103] al-Farrā', *Maʿānī al-Qur'ān*.
[104] al-Ṭabarī, *Tafsīr*.

the commentaries of a host of first and second century authors[105] such as Muḥammad b. Isḥāq, compiler of an early life of the Prophet, and the commentaries attributed to Ibn ʿAbbās and the circle of younger men who circulated within his orbit at Mecca and Iraq: ʿAṭā', Ṭāwūs, ʿIkrimah, Mujāhid,[106] Saʿīd b. Jubayr and several others. Al-Ṭabarī discusses also the comments of those active in the derivation of the law, Iraqi and Arabian, up to and including al-Shāfiʿī. The influence of the latter's source-theory is evident in al-Ṭabarī's outline program. This shows him retreating somewhat from al-Shāfiʿī's position on sources to formulae that had become the staple of the classical period of Islamic scholarship. From a declaration linked to the name of Ibn ʿAbbās and connected with the interpretation of Qur'ān 3:7, Ṭabarī states:[107] Interpretation of the Qur'ān has three aspects. Matters there is no means of knowing, God having reserved that knowledge to Himself. Matters God reserved to his Prophet which there is no means of knowing other than from instructions Muḥammad provided. Matters that are known from the Arabic language, as used in speech or verse, where interpretations are acceptable only if they do not depart from those of the Companions of the Prophet, the caliphs, their successors and the Muslim learned.[108]

The scholar stakes his claim to 'possession' of the reading of the Qur'ān texts and their interpretation, as heir to the Prophet and the pious forebears.[109] The Muslim learned are the arbiters of valid *ḥadīth*, their consensus guarantees that validity since their consensus (*ijmā'*) is incapable of error.[110]

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[105] Heribert Horst, "Zur Überlieferung in Korankommentar aṭ-Ṭabarīs," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 103 (1953): 290–307.

[106] Mujāhid Abū al-Ḥajjāj b. Jabr al-Tābiʿī al-Makkī al-Makhzūmī, *Tafsīr*, edited by ʿAbd al-Raḥmān al-Ṭāhir Muḥammad al-Sūratī (Qatar, 1976).

[107] Qur'ān 3:7. The crux centers upon the word *wa-al-rāsikhūn*; if co-ordinate with preceding mention of God, then the scholars know the *ta'wīl*; if nominative to the following verb 'say', then none can know the *ta'wīl* but God. al-Ṭabarī, *Tafsīr*, 1:75–76.

[108] al-Ṭabarī, *Tafsīr*, 1:92–93.

[109] What applies to the interpretation, applies equally to the 'reading' of the texts.

[110] "It is, in my view, not permissible to 'read' this otherwise, on account of the unanimity of the Readers and the interpreters among the pious forebears and their successors. One may not raise objections to what they are unanimous on, by mentioning the view expressed by one capable of forgetfulness or error." al-Ṭabarī, *Tafsīr*, 1:542.

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CONFLICTING IMAGES OF LAWGIVERS: THE CALIPH AND THE PROPHET[1] *SUNNAT ʿUMAR* AND *SUNNAT MUḤAMMAD*

Avraham Hakim

Following the work of Goldziher and the research of the scholars who further developed his ideas such as Schacht and others, this article explores the Islamic tradition (*ḥadīth*) as texts that reflect the ideas and the beliefs of the Muslim scholars who produced and circulated them. These ideas and beliefs, conceived in the first era of Islam and shaped by various influences, were projected backwards in time in order to provide them, by means of chains of transmitters (*isnād*s), with the authority of the people considered by the Muslim community to be the founders of Islam.

The ultimate spiritual, moral and religious authority in Islam, who came to be identified and recognized by the community as its founder and lawgiver, is the Prophet Muḥammad. He is considered to be the founder of the oral law, the Sunnah, which regulates the believer's everyday life. This law is referred to in the Islamic tradition as *sunnat rasūl Allāh* or simply as *sunnat Muḥammad*.

Yet, other figures, the companions of the Prophet (*ṣaḥābah*), came also to be recognized in the Islamic tradition as authorities and lawgivers. It is not unusual for companions of the Prophet to be credited with a *sunnah* of their own. Thus, Abū Bakr, together with ʿUmar, is credited to have a *sunnah*, and the Prophet is said to have urged the believers to abide by it, saying: "Follow the example (*iqtadū*) of those who will come after me, Abū Bakr and ʿUmar."[2] In other traditions we find expressions like "*sunnat Abī Bakr al-rāshidah al-mahdīyah*" (i.e., Abū Bakr's rightly-guided *sunnah*),[3] or "*sunnat Abī Bakr aw ʿUmar*

[1] This article is based on a chapter of my Ph.D. thesis entitled: "ʿUmar b. al-Khaṭṭāb and the Image of the Ideal Leader in the Islamic Tradition," under the supervision of professor Uri Rubin.

[2] Aḥmad b. Ḥanbal, *al-Musnad* (Beirut: Dār al-fikr, n.d.), 5:382.

[3] ʿAbd Allāh b. Muḥammad b. Abī Shaybah, *al-Kitāb al-muṣannaf fī al-aḥādīth wa-al-āthār*, edited by Muḥammad ʿAbd al-Salām Shāhīn (Beirut: Dār al-kutub al-ʿilmīyah, 1995), 6:189 (30559). For the term "*Rāshid Mahdī*," see: E.W. Lane, *An Arabic-English Lexicon*, edited by Stanley Lane-Poole (London: Williams and Norgate, 1863–93; Reprinted Beirut, 1980), *r shd*.

aw ʿUthmān aw ʿAlī" (i.e., the sunnah of each one of the *rāshidūn*, the four rightly-guided caliphs).[4] Morever, the Islamic tradition frequently refers to *sunnat ʿUmar*, the topic of this article.

This brings to question whether there was a conflict in early Islam between Muḥammad's authority and the authority of others. This issue was raised by Crone and Hinds in their *God's Caliph*, in which caliphal law is set up against prophetic law. The authors' thesis is that while the caliphs, beginning with the Umayyads, saw themselves as the sole lawgivers of the Muslim community, calling themselves and being addressed as "the caliphs of God" (*khulafāʾ Allāh*), the Muslim scholars maintained that the sole lawgiver is Muḥammad, and therefore in their view the caliphs were only successors of the Prophet (*khulafāʾ rasūl Allāh*). Crone and Hinds listed the caliphs who were addressed, especially in the court poetry, as caliphs of God beginning with ʿUthmān b. ʿAffān, the third successor to the Prophet.[5] As for ʿUmar b. al-Khaṭṭāb, the second successor, he was "classified" by the authors as the "mouthpiece" of the Muslim scholars, and therefore could hardly be involved in a conflict of authority with the Prophet.[6]

This article aims to identify and describe some traditions that deal with conflicts of authority in early Islam between the Prophet Muḥammad and his most domineering and formidable successor, ʿUmar b. al-Khaṭṭāb, especially regarding their images as founder of the Sunna.

ʿUmar b. al-Khaṭṭāb, the second rightly guided (*rāshidī*) caliph, is often portrayed in the Islamic tradition as a primordial instigator and initiator of the revelation of several Qurʾānic verses. According to several traditions, ʿUmar is supposed to have formulated an opinion on his own or behaved differently from other people, and God confirmed this opinion or behavior by revealing Qurʾānic verses. These verses came to be known as *muwāfaqāt ʿUmar*, the agreements of ʿUmar (with God). This status is an important aspect of his image as an ideal leader privileged with God's grace. Yet, ʿUmar's religious and moral authority includes not only his role in shaping the content of the Holy Book (i.e., the written law) but also his role as a founder of the oral law, the Sunnah.

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[4] Abū Bakr Muḥammad b. Isḥāq b. Khuzaymah, *Saḥīḥ ibn Khuzaymah*, edited by Muḥammad Muṣṭafā al-Aʿẓamī (Beirut: al-Maktab al-islāmī, 1975), 2:359 (1465).

[5] Crone, Patricia and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1990), 43–57.

[6] Crone and Hinds, *God's Caliph*, 22.

More than any other companion of Muḥammad, ʿUmar is privileged with traditions portraying him as the sole model by whom to abide. This is evident from an utterance attributed to the famous exegete Mujāhid b. Jabr (d. between 100/718 and 104/722): "When people differ on any issue, look for ʿUmar's doing and abide by it" (*fa-nẓurū mā ṣanaʿa ʿUmar fa-khudhū bi-hi*).[7] A similar saying is attributed to ʿĀmir al-Shaʿbī (d. 103/721 between 109/727).[8]

One may ask why Mujāhid or al-Shaʿbī did not refer to the superior model of the Prophet and chose that of ʿUmar instead. A likely answer is to be found in traditions where ʿUmar is portrayed as the only companion whose status as founder of the Sunnah set him up as a competitor to the Prophet himself, considered to be the most natural founder of the Islamic law.

Thus, a thorough analysis of the material related to ʿUmar as founder of the Sunnah may add a new dimension to his image, shaped as the ultimate religious and moral authority by the early Islamic tradition.

I. *One opposed to the other: Farewell sermons*

ʿUmar and the Prophet are portrayed in farewell sermons attributed to each one of them, as founders of opposite *sunnah*s. Close to their deaths, and after having performed a last pilgrimage to Mecca, both are said to have delivered a farewell sermon. In these sermons, both delivered to the Muslims their moral and religious last will.

Muḥammad delivered his sermon at the height of the *ḥajj* where he established the ritual ceremonies and bade the believers farewell (*ḥajjat al-wadāʿ*).[9] There are several versions of this sermon.[10] The circulation of these many versions points to the possibility, as already

[7] Ibn Ḥanbal, *Kitāb faḍāʾil al-ṣaḥābah*, edited by Waṣīy Allāh b. Muḥammad b. ʿAbbās (Beirut: Muʿassasat al-risālah, 1983), 1:266 (349).

[8] Ibn Ḥanbal, *Kitāb faḍāʾil al-ṣaḥābah*, 1:264 (342).

[9] The Prophet is said to have uttered on this occasion: "Learn from me the rituals of your pilgrimage, for I might not meet you again after this year." See Aḥmad b. al-Ḥusayn b. ʿAlī al-Bayhaqī, *Kitāb al-sunan al-kubrā*. (Beirut: Dār al-maʿrifah, 1978–80), 5:125 (9307).

[10] Muḥibb al-Dīn al-Ṭabarī gathered many versions of this sermon. See Aḥmad b. ʿAbd Allāh Muḥibb al-Dīn al-Ṭabarī, *Ḥajjat al-Muṣṭafā*, edited by Muḥammad ʿAbd al-Karīm al-Qāḍī (Cairo: Dār al-ḥadīth, 1988). See also Uri Rubin, "The Great Pilgrimage of Muḥammad," *Journal of Semitic Studies* 17 (1982): 241–260.

pointed out by Goldziher, that the sermon was fashioned after different interests in the generations after the Prophet's death.[11] Be it as it may, the Islamic tradition considered this sermon as the last will and testament of Muḥammad. Ibn ʿAbbās is said to have uttered on this occasion: "By God, this (sermon) is indeed his last will and testament to his *ummah* (*waṣīyatu-hu ilā ummati-hi*)."[12]

In all the versions, after completing each section of his sermon, the Prophet is said to have raised his hands skywards and asked: "O God, did I deliver accurately" (*Allāhumma, hal ballaghtu*)? By doing so, it is believed that Muḥammad was asking God to witness that his words were delivered to the believers with clarity and fluency for all to understand. Because of this sermon the last pilgrimage of the Prophet is called *ḥajjat al-balāgh* in Ibn Isḥāq's *Sīrah*,[13] the pilgrimage where things were delivered accurately.

The section relevant to the Sunnah is found in one of the versions of the Prophet's sermon, in which he said: "I leave in yours hands something very clear, by which if you abide you will never err, the Book of Allāh and the Sunnah of His Prophet."[14]

As for the last sermon of ʿUmar, it is transmitted in a tradition with a Ḥijāzī *isnād*[15] on the authority of Saʿīd b. al-Musayyab (d. 94/713). The Sunnah issue is raised by ʿUmar when he uttered: "Indeed, I established the *sunan* for you, instituted the ordinances and led you to a clear path . . . unless you deviate with the people right or left (*qad sanantu la-kum al-sunan wa-faraḍtu la-kum al-farāʾiḍ . . . illā an tamīlū bi-al-nās yamīnan wa-shamālan*)."[16]

It is worth noting that in ʿUmar's sermon not a word was said about the Book of God or about the Sunnah of the Prophet. This

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[11] See Ignaz Goldziher, *Muslim Studies* (*Muhammedanische Studien*) edited by S.M. Stern, translated by C.R. Barber and S.M. Stern (London: George Allen and Unwin, 1971), 1:71–72.

[12] Muḥibb al-Dīn al-Ṭabarī, *Ḥajjāt al-muṣṭafā*, 91.

[13] ʿAbd al-Malik b. Hishām, *al-Sīrah al-nabawīyah*, edited by Muṣṭafā al-Saqqā, Ibrāhīm al-Abyārī, and ʿAbd al-Ḥāfiẓ Shalabī (Beirut: Dār al-khayr, 1995), 4:191.

[14] Ibn Hishām, *al-Sīrah al-nabawīyah*, 4:191.

[15] Yaḥyā b. Saʿīd al-Anṣārī (d. between 143/760 and 146/763)—Saʿīd b. al-Musayyab (d. 94/713).

[16] Muṣʿab b. ʿAbd Allāh al-Zubayrī, *Min ḥadīth Muṣʿab b. ʿAbd Allāh al-Zubayrī* (Ms. Chester Beatty 3894/2), 54a; Abū Zayd ʿUmar b. Shabbah, *Tārīkh al-Madīnah al-munawwarah*, edited by Fahīm Muḥammad Shaltūt (Mecca: Dār al-turāth, 1979), 3:872. See also Muḥammad b. Saʿd, *Kitāb al-ṭabaqāt al-kubrā* (Beirut: Dār ṣādir, 1975), 3:334; Muḥammad b. ʿAbd Allāh al-Naysābūrī *al-Mustadrak ʿalā al-ṣaḥīḥayn*, edited by Muṣṭafā ʿAbd al-Qādir ʿAṭā (Beirut: Dār al-kutub al-ʿilmīyah, 1990), 3:98 (4315).

is totally opposed to the Prophet's sermon where both the Qur'ān and the Sunnah of Muḥammad are mentioned. In their stead, ʿUmar mentioned the sunnah and the ordinances that he himself established and said nothing more.

We have, therefore, two opposed situations: in one, ʿUmar is portrayed as the only source of the religious and moral authority, while in the other, the Prophet is considered to be the highest source of this authority. It is likely that the earlier layer is the one centered on ʿUmar. However, this layer did not find approval within the Islamic community, which preferred to enhance the image of the Prophet Muḥammad as the main axis around which the Muslim law revolves and crystallized during the first/seventh century.

II. *One instead of the other: the* mutʿah *issue*

The stress between the images of Muḥammad and ʿUmar as founders of the Sunnah is expressed not only by the fact that both are credited with a *sunnah* of their own, but also, and especially, by the fact that, more often than not, the *sunnah* of ʿUmar undoubtedly clashes with that of the Prophet and, ultimately, abolishes it. The clearest example of this can be found in the following traditions dealing with the *mutʿah* issue.

II.1 *What is* mutʿah?[17]

Mutʿah is a "pleasure, enjoyment or gift,"[18] meaning here a legal concession in a religious practice. The Islamic tradition deals with it in two instances: *mutʿah* of *ḥajj*, pilgrimage, and *mutʿah* of marriage.

Mutʿah of *ḥajj* grants the Muslim believer the concession to combine the short pilgrimage to Mecca, the *ʿumrah*, with the full one, the *ḥajj* itself. By practicing *mutʿah*, the believer performs the rites of both pilgrimages in one trip to Mecca, instead of having to travel twice

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[17] The *mutʿah* issue has been researched in detail by Gribetz and many of the traditions quoted here have been discussed by him, although for a different purpose. See Arthur Gribetz, *Strange Bedfellows: mutʿat al-nisāʾ wa-mutʿat al-ḥajj: A Study Based on Sunnī and Shīʿī Sources of Tafsīr, Ḥadīth and Fiqh* (Berlin: K. Schwartz, 1994). And see also: W. Heffening, "Mutʿa," *The Encyclopaedia of Islam*, New Edition (Leiden: E.J. Brill, 1954–), 7:757a.

[18] See Lane, *An Arabic-English Lexicon* (sup.), *m t ʿ*.

to the holy city in order to perform the rites of the two kinds of pilgrimage separately. The combination of *ʿumrah* and *ḥajj* is achieved in the following way: The believer enters the state of sanctity (*iḥrām*), performs the *ʿumrah* first and completes all its rites, then, returns to a state of *ḥill* (non-sanctity). Immediately after this, he renews the state of sanctity and starts performing the rites of the *ḥajj*.

Permission to combine *ʿumrah* with *ḥajj* is said to be validated by Qurʾān 2:196: "When you are secure, then whosoever enjoys the Visitation until the Pilgrimage, let his offering be such as may be feasible."[19] However, Muslim scholars differed on the best way, if any, to combine *ʿumrah* with *ḥajj*.

As for the *mutʿah* of marriage, it grants the Muslim the concession to marry a woman and have a conjugal life with her for a limited time agreed upon in advance, after which he pays her a sum of money, also agreed upon in advance. This concession is said to be validated by Qurʾān 4:24: "Such wives as you enjoy thereby, give them their wages apportionate; it is no fault in you in your agreeing together, after the due apportionate." However, this verse is supposed to have been abrogated (*mansūkh*), because the concession had been granted to the believers in times of stress, when the Prophet was alive.

II.2 *Imposing the abolition of* mutʿah

The stringency attributed to ʿUmar in many legal issues is also expressed in traditions which portray him as fiercely opposing the practice of *mutʿah* and totally abolishing both its kinds. His ruling in this matter is included in various traditions, one of which is formulated succinctly. In this tradition, circulated either with a Madanī *isnād*[20] on the authority of Ibn ʿUmar or a Baṣrī *isnād*[21] on the authority of Abū Qulābah al-Jarmī (d. between 104/722 and 107/726), ʿUmar ruled: "There were two kinds of *mutʿah* in the time of the Prophet. I hereby

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[19] All Qurʾānic translations are quoted from A.J. Arberry, *The Koran Interpreted* (New York: Simon and Schuster, 1995).

[20] Mālik b. Anas (d. 179/795)—Nāfiʿ (d. 117/735–119/738)—Ibn ʿUmar. Aḥmad b. Muḥammad b. Salāmah al-Ṭaḥāwī, *Sharḥ maʿānī al-athar*, edited by Muḥammad Zuhrī al-Najjār and Muḥammad Sayyid Jād al-Ḥaqq (Beirut: ʿĀlam al-kutub, 1994), 2:146 (3686).

[21] Ḥammād b. Zayd (d. 179/795–796)—Ayyūb al-Sakhtiyānī (d.131/748)—Abū Qulābah (d. between 104/722 and 107/726); Hushaym (d. 183/799)—Khālid al-Ḥadhdhāʾ (d. between 141/758 and 142/760)—Abū Qulābah. Saʿīd b. Mansūr, *Sunan* (Beirut: Dār al-kutub al-ʿilmīyah), 1:218–219 (852–853).

prohibit them and punish whomever practices them, *mutʿah* of *ḥajj* and *mutʿah* of marriage (*mutʿatān kānatā ʿalā ʿahd rasūl Allāh wa-anā anhā ʿan-humā wa-uʿāqib ʿalay-himā, mutʿat al-ḥajj wa-mutʿat al-nisāʾ*)." The abolition of *mutʿah* is described in yet another tradition, circulated with a Baṣrī isnād[22] on the authority of the companion Jābir b. ʿAbd Allāh who said: "We practiced two kinds of *mutʿah* in the time of the Prophet, ʿUmar prohibited us to proceed, and indeed we stopped (*tamattaʿnā ʿalā ʿahd al-nabīy mutʿatayn, fa-nahānā ʿUmar fa-ntahaynā*)".[23]

In these traditions, the abolition of the two kinds of *mutʿah* imposed by ʿUmar is accepted without any objection whatsoever, which demonstrates his absolute authority as founder of a *sunnah* of his own. He is portrayed as considering himself empowered to impose law, and by doing so, to abolish a law that was in practice at the time of the Prophet.

II.3 *Arguments: The abolition of the Qurʾān*

The abolition of *mutʿah* is argued in a tradition circulated with another Baṣrī *isnād*[24] on the authority of the companion Jābir b. ʿAbd Allāh who relates that the companions used to practice *mutʿah* with the Prophet. Upon coming to power, ʿUmar delivered a sermon in which he said:

> The Qurʾān is the Qurʾān and the Prophet is the Prophet. Two kinds of *mutʿah* were in practice when the Prophet was alive, *mutʿah* of *ḥajj* and *mutʿah* of marriage. As for the first, you must separate *ḥajj* from *ʿumrah*, and by doing so, you will perform the rites of both in a more perfect way. As for the second, I prohibit it and will punish whomever practices it.[25]

The argument given here by ʿUmar for the abolition of *mutʿah* refers only to the *mutʿah* of *ḥajj*. The gist of this is that ʿUmar wished for the believers to perform complete rites for each kind of pilgrimage.

The expression uttered by ʿUmar "the Qurʾān is the Qurʾān" alludes to the idea that the abolition of *mutʿah* comes to put an end to the

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[22] Abū Naḍrah, Mālik b. al-Mundhir (d. between 108/726 and 109/728)—Jābir b. ʿAbd Allāh.

[23] Ibn Ḥanbal, *al-Musnad*, 3:356 and 363; Abū ʿAwānah Yaʿqūb b. Isḥāq al-Isfarāʾīnī, *al-Musnad*, edited by Ayman b. ʿĀrif al-Dimashqī (Beirut: Dār al-maʿrifah, 1998), 2:345 (3376). See also al-Ṭaḥāwī, *Sharḥ maʿānī al-athar*, 2:144 (3672).

[24] Hammām b. Yaḥyā (d. between 163/779 and 164/781)—Qatādah b. Diʿāmah (d. 117/735)—Abū Naḍrah—Jābir.

[25] Ṭaḥāwī, *Sharḥ maʿānī al-athar*, 2:144 (3671).

validity of a concession granted by the Qurʾān itself. Thus, ʿUmar is portrayed as having the authority to impose a new *sunnah* which abrogates a Qurʾānic *sunnah* practiced by the Prophet. In fact, ʿUmar is considered as authorized to abolish the validity of the Qurʾān.

ʿUmar's expression "The Prophet is the Prophet", seems to allude to the idea that since the Prophet was no longer alive, it was incumbent upon the caliph himself to promulgate laws of his own and that these laws abrogate the Prophet's laws.

The predominance of Baṣrī *isnād*s might point out that both kinds of *mutʿah* were commonly practiced in these parts of Iraq, where the Shīʿah had a great influence. It seems that these traditions were circulated by scholars opposed to the practice of *mutʿah* in order to block this Shīʿī influence, even by means of what might be perceived as contradiction of the Qurʾān and the Sunnah of the Prophet.

II.4 *Imposing two visits to Mecca: the* mutʿah *of* ḥajj

In other traditions, dealing specifically with the *mutʿah* of *ḥajj*, ʿUmar provides more arguments for abolishing this kind of *mutʿah*. A tradition to that effect is circulated with a Syrian isnād: Yūnus b. Yazīd (d. 159/776)—al-Zuhrī (d. 124/742)—ʿAṭāʾ al-Khurasānī (d. 135/753–753)—Saʿīd b. al-Musayyab. It is related that ʿUmar delivered a sermon in which he abolished the *mutʿah* of *ḥajj*. He pointed out that it was preferable for the believers not to perform the rites of *ʿumrah* in the month of the *ḥajj*, so that the rites of both pilgrimages were performed in a more complete way. ʿUmar went on saying: "I forbid you to practice the *mutʿah* even though the Prophet practiced it and I with him (*wa-innī anhā-kum ʿan-hā wa-qad faʿala-hā rasūl Allāh wa-faʿaltu-hā maʿa-hu*).[26]

The basis of ʿUmar's argument for prohibiting the *mutʿah* of *ḥajj* is his will to impose on the Muslims two visits to Mecca instead of just one, and by doing so, to emphasize their religious fervor. ʿUmar is not hindered by the fact that his ruling in this matter contradicted a practice performed by the Prophet, a practice he himself once held.

This tradition also serves another purpose. Its Syrian *isnād* may hint to the reservations of some circles in Syria of the first/seventh

[26] Aḥmad b. ʿAbd Allāh al-Iṣfahānī, *Ḥilyat al-awliyāʾ wa-ṭabaqāt al-aṣfiyāʾ* (Beirut: Dār al-fikr, n.d.), 5:205–206.

and early second/eighth centuries about the depreciation of the sanctity of Mecca by the Umayyads.[27] The presence of al-Zuhrī as a transmitter of a tradition that enhances the sanctity of Mecca and urges believers to visit it, counters other traditions transmitted by al-Zuhrī to the effect that Mecca has no preference over Jerusalem.[28]

II.5 *Opposition to ʿUmar's ruling*

In spite of ʿUmar's authority, portrayed as absolute in the above traditions, other traditions show that the abolition of the *mutʿah* met a fierce opposition. This suggests that ʿUmar's absolute authority was not accepted by all circles of the Muslim community. This opposition is revealed in traditions in which ʿUmar is accused of abolishing, on his own accord, a practice that was performed at the time of the Prophet and explicitly sanctioned by the Qurʾān.

In a tradition circulated with a Basrī *isnād*,[29] the companion ʿImrān b. Ḥuṣayn reports: "The Prophet performed *ʿumrah* with his family on the tenth of Dhū al-Ḥijjah [that is, the month of the *ḥajj*]. No verse was revealed to prohibit this and the Prophet did not prohibit it until his death. And then came a man who ruled on his own accord whatever he wished (*fa-aftā rajul bi-raʾyi-hi mā shāʾ*).[30]

In a different version, ʿImrān b. Ḥuṣayn said: "We practiced *mutʿah* (*tamattaʿnā*) with the Messenger of God and a verse was revealed to that effect. The Prophet died without prohibiting it and no verse was revealed to abrogate it. And then a man came and said things on his own accord whatever he wished".[31] The tradition of ʿImrān b. Ḥuṣayn is included also in Qurʾānic exegesis.[32]

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[27] For which, see Goldziher, *Muslim Studies*, 1:44–48.

[28] Goldziher, *Muslim Studies*, 1:44–45. And see M.J. Kister, "'You Shall Only Set Out for Three Mosques': a Study of an Early Tradition," *Le Muséon* 82 (1969): 173–96. See also A.A. Duri, "al-Zuhrī: a Study of the Beginnings of History Writing in Islam," *Bulletin of the School of Oriental and African Studies* 19 (1957): 1–12; Michael Lecker, "Biographical Notes on Ibn Shihāb al-Zuhrī," *Journal of Semitic Studies* 41 (1996): 21–63.

[29] Muṭarraf b. ʿAbd Allāh (d. 95/713–714)—ʿImrān b. Ḥuṣayn.

[30] Abū ʿAwānah, *al-Musnad*, 2:344–345 (3372).

[31] Ibn Ḥanbal, *al-Musnad*, 4:429; al-Ṭaḥāwī, *Sharḥ Maʿānī al-Athar*, 2:143 (3669).

[32] ʿAbd al-Raḥmān b. Abī Ḥātim Muḥammad al-Rāzī, *Tafsīr al-Qurʾān al-ʿaẓīm*, edited by Asʿad Muḥammad al-Ṭayyib (Mecca and Riyadh: Maktabat Nizār Muṣṭafā al-Baz, 1997), 1:314 (1793).

The man in question is identified by scholars as ʿUmar b. al-Khaṭṭāb,[33] and the result is that ʿUmar is accused of having abolished on his own opinion a practice validated by the Qurʾān and the Sunnah of Muḥammad. The emphasis is put on the fact that God Himself never abrogated the *mutʿah* verse by another verse (*nāsikh*), and that the Prophet died without abolishing that practice. All this means that ʿUmar's ruling is nothing but a *bidʿah sayyiʾah*, an unacceptable and forbidden arbitrary innovation.

Yet, one can wonder why it is that ʿUmar was not named explicitly in these traditions, and a vague term, *rajul*, a man, was used instead. It is not likely that ʿUmar's name was omitted out of disrespect. A possible answer could be that when these traditions were circulated, ʿUmar's image as an ideal leader was so deeply rooted that any objection to his authority would have to be raised very carefully.

II.6 *Ibn ʿUmar's reservation*

In other traditions, reservations about ʿUmar's ruling are attributed to none other than his son, ʿAbd Allāh b. ʿUmar (d. 73/693). A tradition to that effect is circulated with a Madanī isnād.[34] ʿUmar's grandson, Sālim b. ʿAbd Allāh, reports that his father, ʿAbd Allāh b. ʿUmar, was asked by a Syrian about the *mutʿah* of *ḥajj* and he replied that it was perfectly alright (*ḥasan jamīl*) to practice it. But then the Syrian commented that ʿAbd Allāh's father, ʿUmar, abolished it. Ibn ʿUmar rebuked the man saying, "Woe to you! Even if my father abolished it, what should I follow, my father's ruling or God's injunction?" The Syrian replied, "God's injunction." Ibn ʿUmar sent the man away.[35]

However, in spite of his disassociation from his father's ruling, Ibn ʿUmar is said to have found a justification for it, hinting that his father did not rule arbitrarily. The tradition to that effect is circu-

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33 Abū al-Qāsim Khalaf b. ʿAbd al-Malik b. Bashkuwāl, *Ghawāmiḍ al-asmāʾ al-mubhamah*, edited by ʿIzz al-Dīn ʿAlī al-Sayyid and Muḥammad Kamāl al-Dīn ʿIzz al-Dīn (Beirut, ʿĀlam al-kutub, 1987), 2:856 (312).

34 Ibn Isḥāq (d. 151/768)—al-Zuhrī—Sālim b. ʿAbd Allāh (d. 106/724–725)—Ibn ʿUmar.

35 al-Ṭaḥāwī, *Sharḥ maʿānī al-athar*, 2:142 (3665); Yūsuf b. ʿAbd Allāh b. ʿAbd al-Barr, *al-Tamhīd limā fī al-Muwaṭṭaʾ min al-maʿānī wa-al-asānīd*, edited by Muḥammad ʿAbd al-Qādir ʿAtā (Beirut: Dār al-kutub al-ʿilmīyah, 1999), 3:580–581. See also Abū Yaʿlā Aḥmad b. ʿAlī al-Mawṣilī, *al-Musnad*, edited by Ḥusayn Salīm Asad (Beirut: Dār alMaʿmūn li-al-turāth, 1986), 9:341–342 (5451).

lated with a mixed *isnād*,[36] again on the authority of Sālim b. ʿAbd Allāh. Ibn ʿUmar was asked about the *mutʿah* of *ḥajj* and he staunchly supported it. When people commented that his father ruled differently, he explained that his father wished to separate *ʿumrah* and *ḥajj* so that Muslims visit the Kaʿbah not only in the pilgrimage month, that is, more than once in their lifetime.[37] Ibn ʿUmar went on explaining that people understood this as a sweeping injunction and imposed unjust punishments on whoever practiced *mutʿah*, while God permitted it and the Prophet practiced it. When people pressured him, Ibn ʿUmar replied, "The Book of God will be the judge between us; by whom is it worthier to abide, the Book of God or ʿUmar."[38]

Ibn ʿUmar's explanation is that his father's ruling on *mutʿah* was misunderstood. It was no more than a recommendation, which did not intend in any way to abolish *mutʿah*, and so remained in accordance with the Qurʾān and the Sunnah of the Prophet. It should have been understood that by prohibiting *mutʿah*, ʿUmar was expressing his wish to protect the Kaʿbah as the essential religious site and to preserve Mecca as the focal pilgrimage center, where the believers would undertake more than one visit. It stands to reason that in the background of this tradition, like in the one discussed above, lies the struggle between Mecca with its Kaʿbah and other religious centers outside Arabia.

In a different version circulated with a similar *isnād*, Ibn ʿUmar replied to the people who did not understand how he could oppose his father's ruling on the one hand and still try to justify it on the other hand: "By whom is it worthier for you to abide, the Sunnah of the Messenger of God or the *sunnah* of ʿUmar (*afa-rasūl Allāh aḥaqq an tattabiʿū sunnata-hu am sunnat ʿUmar*)?"[39]

When his explanation and justification were not understood, Ibn ʿUmar rejected his father's *sunnah* and supported the Prophet's Sunnah as the ultimate law by which people should abide. As a loyal companion of the Prophet and a model scholar, his ruling had to conform with that of Muḥammad and not with that of his father, the caliph. Whereas in the former versions Ibn ʿUmar set up his father's ruling as opposing the Qurʾān, this last version recognizes the existence

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36 ʿAbd al-Razzāq (d. 211/826)—Maʿmar b. Rāshid (d. 155/770)—al-Zuhrī–Sālim.
37 For this, see: Ṭaḥāwī, *Sharḥ maʿānī al-athar*, 2:148.
38 Ibn ʿAbd al-Barr, *al-Tamhīd*, 3:581; Bayhaqī, *Kitāb al-sunan al-kubrā*, 5:21 (8657).
39 Ibn Ḥanbal, *al-Musnad*, 2:95.

of two sunnahs, the Sunnah of the Prophet and that of ʿUmar, and focuses on the clash between the two. Ibn ʿUmar's final reply reflects the supremacy of the Prophet's image as founder of the Sunnah over that of ʿUmar.

II.7 *Between Ibn ʿAbbās and Ibn al-Zubayr*

A fierce opposition to ʿUmar's ruling on the *mutʿah* is to be found in traditions describing a heated dispute between ʿUrwah b. al-Zubayr, who supported the abolition of *mutʿah*, and Ibn ʿAbbās, who supported its practice.

The dispute is described in a tradition circulated with a Baṣrī *isnād*.[40] ʿUrwah b. al-Zubayr wonders how could Ibn ʿAbbās permit the *mutʿah* when Abū Bakr and ʿUmar prohibited it. In his defense, Ibn ʿAbbās replied: "By God, if you do not stop, God will punish you. I transmit to you on the authority of the Messenger of God and you (dare) transmit to us on the authority of Abū Bakr and ʿUmar (*nuḥaddithu-kum ʿan rasūl Allāh wa-tuḥadditūnā ʿan Abī Bakr wa-ʿUmar*)?"[41] In this story Ibn ʿAbbās abides completely by the legacy of the Prophet and rejects the authority of Abū Bakr and ʿUmar. He recognizes the Prophet as the highest source of the religious and moral authority, and none of the caliphs who ruled after him.

A different version of this tradition is circulated with a mixed *isnād*.[42] Ibn Abī Mulaykah (d. 117/735–736) reported that Ibn ʿAbbās was told that ʿUrwah was criticizing him for permitting the *mutʿah* practice, thus opposing Abū Bakr and ʿUmar who had prohibited it. Ibn ʿAbbās admonished his opponent saying: "Woe to you! What is preferable in your opinion? To abide by Abū Bakr and ʿUmar or by the Book of God and the ruling the Prophet formulated for [the benefit of] his companions and his *ummah*?" To which ʿUrwah countered, saying: "They [i.e., Abū Bakr and ʿUmar] knew better than you and I what is in the Book of God and what is the ruling of the Prophet." Ibn Abī Mulaykah went on commenting: "ʿUrwah indeed defeated (*khaṣama*) Ibn ʿAbbās."[43]

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[40] Ayyūb al-Sakhtiyānī—ʿAbd al-Razzāq—Maʿmar b. Rāshid.

[41] Ibn ʿAbd al-Barr, *al-Tamhīd*, 3:579–580; ʿAlī b. Aḥmad b. Ḥazm al-Andalusī, *Ḥajjat al-wadāʿ*, edited by Abū Ṣuhayb al-Karmī (Riyadh: Dār al-afkār al-dawlīyah, 1998), 353. And see for a different version: Ibn Ḥanbal, *al-Musnad*, 1:337.

[42] Muḥammad b. Ḥimyar (Ḥimṣī, d. 200/815–816)—Ibrāhīm b. ʿAblah (Syrian, d. between 152/769 and 153/770)—Ibn AbīMulaykah (Meccan).

[43] Abū al-Qāsim Sulaymān b. Aḥmad al-Ṭabarānī, *al-Muʿjam al-awsaṭ*, edited by Maḥmūd al-Ṭaḥḥān (Riyadh: Maktabat al-maʿārif, 1985), 1:42 (21).

This version provides more details concerning the positions of the two opponents. Evidently, both agreed on the value of the Qur'ān and the Sunnah of the Prophet. They differed however, on a point of interpretation: While Ibn ʿAbbās was of the opinion that the Qur'ān permits *mutʿah*, as is clear from the fact that the Prophet practiced it, ʿUrwah argued that the prohibition imposed on it in the days of the first two caliphs represented the most accurate interpretation of the Qur'ān and the Sunnah. Ibn ʿAbbās, portrayed as an authority by himself on Qur'ānic exegesis, countered by saying that the interpretation of the caliphs was in contrast with the evidence of the Qur'ān and the Sunnah of the Prophet. Ibn Abī Mulaykah, who transmitted the dispute, was of the opinion that ʿUrwah was right, meaning that the ruling of the caliphs on this matter prevails. It seems natural that Ibn Abī Mulaykah, a favorite of the Zubayrids who was appointed by the rebel caliph ʿAbd Allāh b. al-Zubayr as a *qāḍī* (judge), sided with ʿUrwah, ʿAbd Allāh's brother, and rejected the interpretation of Ibn ʿAbbās.[44]

II.8 Rukhṣah *(Indulgence, concession)*

Other versions of the Ibn ʿAbbās-ʿUrwah dispute introduce an additional argument which provides a legal foundation for ʿUmar's ruling on the matter of *mutʿah*. It is claimed that in any case, the practice of the two kinds of *mutʿah* was not supposed to continue after the death of the Prophet, since it was a special indulgence or concession (*rukhṣah*) granted by God to Muḥammad alone, as a tribute to his superior merit. Later generations were not entitled to enjoy this special concession, which is one among others[45] that were granted to the Prophet and were no longer valid after his death. The *mutʿah* of *ḥajj* is indeed described as a *rukhṣah* by the companion Abū Dharr al-Ghifārī, who is said to have uttered that it was granted only to the companions of the Prophet and not to the later generations.[46]

[44] See the biography of Ibn Abī Mulaykah in Aḥmad b. ʿAlī b. Ḥajar al-ʿAsqalānī, *Tahdhīb al-tahdhīb*, edited by Ṣudqī Jamīl al-ʿAṭṭār (Beirut: Dār al-fikr, 1995), 4:385–386.

[45] See Kister, "'On concessions' and Conduct: a Study in Early Ḥadīth," in *Studies on the First Century of Islamic Society*, edited by G.H.A. Juynboll (Carbondale and Edwardsville: Southern Illinois University Press, 1990), 89–107.

[46] Abū Dharr is supposed to have claimed: "The *mutʿah* was granted to us as a *rukhṣah* and not to you" [*innamā kānat al-mutʿah rukhṣah la-nā lā la-kum*]. See Abū ʿAwānah, *al-Musnad*, 2:337 (3345). See also: Ibn Ḥanbal, *al-Musnad*, 2:95, where Ibn ʿUmar is portrayed as "ruling according to the *rukhṣah* of the *mutʿah* which God revealed".

The *mutʿah* of marriage is also described as a *rukhṣah* granted to the companions and prohibited for the next generations.[47]

That the *rukhṣah* argument was called in order to provide a foundation for ʿUmar's ruling, is evident from another version of ʿUmar's sermon on the *mutʿah*. This version is circulated with a Baṣrī isnād.[48] Abū Naḍrah al-Mundhir b. Mālik al-ʿAbdī reported to the companion Jābir b. ʿAbd Allāh on the Ibn ʿAbbās-ʿUrwah dispute over the *mutʿah*. Jābir commented that the companions did indeed practice *mutʿah* with the Prophet, but when ʿUmar came to power, he delivered a sermon in which he said:

> God used to indulge his Prophet as much as he chose and on whatever he chose to indulge and the Qur'ān was revealed wherever it was revealed. As for you, you must complete your *ḥajj* and your *ʿumrah* according to God's injunction [variant: Separate your *ḥajj* and your *ʿumrah* so that they are performed completely]. Do not marry women for a time agreed upon in advance any more. Whoever does marry for a time agreed upon in advance, I will condemn him to stoning.[49]

The expression of ʿUmar "God used to indulge (*kāna yuḥillu*) his Prophet as much as he chose to indulge" suggests that the *mutʿah* was granted as a *rukhṣah*, although the term itself is not used explicitly. It is hinted that there were no foundations for the accusations against ʿUmar by the likes of Ibn ʿAbbās and others who were not aware of the fact that the *mutʿah* practice was an indulgence granted to the Prophet and to his generation only. Indeed, in another version of this tradition, circulated with an identical *isnād*, ʿUrwah described Ibn ʿAbbās as "one of those people whom God afflicted with blindness in their hearts as in their sights because they gave rulings without knowledge".[50] ʿUrwah is referring here to the fact that Ibn ʿAbbās was afflicted with blindness in his old age.[51]

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[47] ʿAbd al-Razzāq b. Hammām al-Ṣanʿānī, *al-Muṣannaf*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: al-Maktab al-islāmī, 1983), 4:502 (14033).

[48] Shuʿbah b. al-Ḥajjāj (d. 160/776)—Qatādah b. Diʿāmah—Abū Naḍrah.

[49] Muslim b. al-Ḥajjāj al-Qushayrī, *Ṣaḥīḥ*, edited by Muḥammad Fuʿād ʿAbd al-Bāqī (Beirut: Dār al-fikr, 1983), 2:885 (1217). And see Abū Dāwūd Sulaymān b. Dāwūd b. al-Jārūd al-Ṭayālisī, *Musnad Abī Dāwūd al-Ṭayālisī* (Reprinted in Beirut: Dār al-maʿrifah, n.d.), 247–248 (1792); Abū ʿAwānah, *al-Musnad*, 2:339–340 (3354).

[50] Abū ʿAwānah, *al-Musnad*, 2:339 (3352).

[51] For which, see Khalīl b. Aybak al-Ṣafadī, *Nakt al-himyān fī nukat al-ʿumyān*, (Cairo: al-Maṭbaʿah al-jamālīyah, 1911; reprinted in Qumm: Manshūrāt al-sharīf al-raḍī, 1413 A.H.), 175–182.

II.9 *The Prophet prohibits*

However, even though the prohibition on *mutʿah* imposed by ʿUmar remained valid and was agreed upon by all, the effort to protect the Prophet as the ultimate religious and moral authority was the one that prevailed in the end. This is evident from the fact that the prohibition on *mutʿah* was attributed finally to Muḥammad himself. He is portrayed as the one on whose authority *mutʿah* was abolished in traditions quoted widely in the *ṣaḥīḥ ḥadīth* recensions, that is, the canonical traditions.[52] In this manner, the merit for imposing the prohibition on *mutʿah* was taken away from ʿUmar, and his fame as a founder of *sunnah* was diminished.

III. *One with the other: lashes to a drunkard*

The stress between the images of ʿUmar and Muḥammad as founders of *sunnah*s is also evident in traditions where the Sunnah of the Prophet cohabits, side by side, with that of ʿUmar. The example of this cohabitation is to be found in traditions related to the punishment imposed on al-Walīd b. ʿUqbah b. Abī Muʿayṭ, the half-brother of ʿUthmān b. ʿAffān and the caliph's governor of Kūfah, for having served as leader (*imām*) of the prayer while in a state of drunkenness. Eight men from Kūfah witnessed before ʿUthmān that al-Walīd was drunk at the time of the prayer, and the caliph asked ʿAlī b. Abī Ṭālib to inflict the regular punishment for this crime, flogging (even though, some versions portray ʿUthmān as reluctant to impose such a punishment on his half-brother). ʿAlī ordered his son, al-Ḥasan, to carry out the flogging. Al-Ḥasan refused to do so on the pretext that he was not involved in this matter and that the punishment should be carried out by a member of al-Walīd's family. ʿAlī did not yield and ordered his nephew, ʿAbd Allāh b. Jaʿfar, to inflict the lashes. ʿAbd Allāh started flogging while ʿAlī (or ʿUthmān in some versions) counted the lashes. When forty lashes were inflicted ʿAlī ordered his nephew to stop, saying, "The messenger of God used

[52] Ibn Ḥajar, *Fatḥ al-bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī* (Beirut: Dār al-fikr, 1996), 10:130 (5115); Muslim, *Ṣaḥīḥ*, 2:1025–1028 (21–29). And see also ʿAbd al-Razzāq, *Muṣannaf*, 11:67 (19927); Ibn Ḥanbal, *al-Musnad*, 4:95.

to inflict forty lashes, Abū Bakr did likewise and ʿUmar completed to eighty, and each is a valid *sunnah* (*wa kullun sunnah*).[53]

From ʿAlī's utterance, it is evident that the practice of forty lashes established by the Prophet and followed by Abū Bakr, and the practice of eighty lashes established by ʿUmar,[54] are regarded as equal. Permission is given to the community (or to its leader) to choose the practice it needs.

However, in other versions, the tendency to portray the Sunnah of the Prophet as superior to that of ʿUmar occurs again. In these versions, after pointing to the fact that the practice of the Prophet (forty lashes) is equal to that of ʿUmar (eighty lashes), ʿAlī goes on commenting that he himself prefers the Sunnah of the Prophet (*wa-hādhā aḥabbu ilay-ya*).[55]

The fact that this version is the one chosen to be included in the canonical *ḥadīth*s[56] points out, here again, that the community came to consider Muḥammad, more than anyone else, as the ultimate religious and moral authority.

IV. *The Shīʿī Tradition*[57]

IV.1 *ʿUmar deviates from the Sunnah of the Prophet*

As expected, the Shīʿah were very much aware of the traditions portraying ʿUmar as a founder of a *sunnah* of his own and they totally rejected it. They described ʿUmar's rulings as *bidaʿ* (forbidden innovations) and accused him of opposing the rulings and advice of the companions in general and those of the Prophet in particular.[58]

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[53] On the behavior of all the participants, see Aḥmad b. Yaḥyā b. Jābir al-Balādhurī, *Kitāb jumal min ansāb al-ashrāf*, edited by Suhayl Zakkār and Riyāḍ Zirklī (Beirut: Dār al-fikr, 1996), 6:142–145. And see also: ʿAbd al-Razzāq, *Muṣannaf*, 7:379 (13545); Ibn Abī Shaybah, *al-Kitāb al-muṣannaf*, 5:449 (28398); Ibn Shabbah, *Tārīkh al-Madīnah al-munawwarah*, 2:731–734.

[54] See Ibn Shabbah, *Tārīkh al-Madīnah al-munawwarah*, 2:731–734.

[55] al-Ṭayālisī, *Musnad*, 25; Ibn Ḥanbal, *Kitāb faḍā'il al-ṣaḥābah*, 2:667–668 (1138); Abū ʿAwānah, *al-Musnad*, 4:15 (6334); ʿAlī b. ʿUmar al-Dāraquṭnī, *Sunan*, edited by Majdī b. Mansūr b. Sayyid al-Shūrī. (Beirut: Dār al-kutub al-ʿilmīyah, 1996), 3:(3434).

[56] Muslim, *Ṣaḥīḥ*, 3:13331 (1707); Muḥammad Shams al-Ḥaqq ʿAẓīmābādī, *ʿAwn al-maʿbūd sharḥ Sunan Abī Dāwūd* (Beirut: Dār al-fikr, 1979), 12:180–182 (4456).

[57] For various Shīʿī attitudes towards the first two caliphs after Muḥammad, see Etan Kohlberg, "Some Imāmī Shīʿī Views on the Ṣaḥāba," *Jerusalem Studies in Arabic and Islam*, 5 (1984): 162–67.

[58] Abū Muḥammad al-Faḍl b. Shādhān al-Azdī al-Naysābūrī, *al-Īḍāḥ* (Beirut: Muʿassasat al-Aʿlamī li-al-manshūrāt, 1982), 124–125.

The Shīʿah never hesitated when choosing between ʿUmar's rulings and those of the Prophet, and their general rule on this matter is formulated as such: "It is worthier to abide by the Sunnah of the Prophet than by that of ʿUmar (*sunnat rasūl Allāh awlā an tuttabaʿ min sunnat ʿUmar*)."[59] Ultimately, the Sunnīs themselves embraced this principle, but only after a conflict between ʿUmar's image and that of the Prophet.

IV.2 *The Shīʿī controversy*

Two early Shīʿī scholars expressed clearly the total rejection of the *sunnah* of Umar: al-Faḍl b. Shādhān (d. 260/873–874) in his *al-Īḍāḥ* ("The Clarification") and Abū al-Qāsim ʿAlī b. Aḥmad al-Kūfī (d. circa 350/961) in his *al-Istighāthah fī bidaʿ al-thalāthah* ("Searching for salvation from the innovations of the three [first caliphs])." The two scholars purported to document all the forbidden innovations of the first three caliphs, Abū Bakr, ʿUmar and ʿUthmān. To that end, they carefully pondered Sunnī *ḥadīth*s, especially the canonical ones, and chose traditions having to do with the rulings of the first three caliphs. They claimed to be able to "prove" that these rulings differed from the Prophet's rulings and opposed them. By doing so, they strived to deprive these caliphs of their legitimacy, which meant that only ʿAlī is the legitimate successor to Muḥammad.

Over the centuries, Shīʿī scholars refuted more and more of such Sunnī traditions and produced works defaming the caliphs who ruled before ʿAlī. Such works include *al-Ṣirāṭ al-mustaqīm* ("The Right Path") of ʿAlī b. Yūnus al-Bayyāḍī (d. 877/1472–1473) and the eleven volumes anthology *al-Ghadīr* (which glorifies the Ghadīr Khum sermon where the Prophet is said to have appointed ʿAlī as his successor) of the twentieth century Shīʿī scholar ʿAbd al-Ḥusayn Aḥmad al-Amīnī.[60]

In the introduction to his work, Abū al-Qāsim al-Kūfī claimed that the source of all the corruption that spread in Islam is to be found in "the innovations of these three people who were appointed to implement the laws of God after the death of His Prophet."[61]

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[59] Ibn Shādhān, *al-Īḍāḥ*, 104.

[60] ʿAli b. Yūnus al-ʿĀmilī al-Nabāṭī al-Bayyāḍī, *al-Ṣirāṭ al-mustaqīm ilā mustaḥiqqī al-taqdīm*, edited by Muḥammad Bāqir al-Bahbūdī (Tehran: al-Maktabah al-Murtaḍawīyah, 1384 A.H.). ʿAbd al-Ḥusayn Aḥmad al-Amīnī al-Najafī, *al-Ghadīr fī al-kitāb wa-al-sunnah wa-al-adab* (Beirut: Dār al-ḥaqq, 1994).

[61] Abū al-Qāsim ʿAlī b. Aḥmad al-Kūfī, *al-Istighāthah fī bidaʾ al-thalāthah* (Sargodhā: Iḥqāq al-ḥaqq, [1988]), 23.

The author dedicated a whole chapter to the various rulings of ʿUmar, some of which have been discussed above. He strived to refute these rulings by contrasting them with rulings on the same issues by the Prophet and by "his most loyal follower and successor," ʿAlī b. Abī Ṭālib.[62]

IV.3 *The* mutʿah *issue*

The *mutʿah* remains, even in the present days, one of the most disputed issues between Sunnīs and Shīʿīs, especially regarding the *mutʿah* of marriage, but also the *mutʿah* of *ḥajj*. Both are permitted by the Shīʿah.

The Shīʿī tradition chastised ʿUmar and quoted time and again the tradition in which he abolished the *mutʿah*, refuting it completely on the ground that it opposed the Qurʾānic injunction and the Prophet's ruling on the issue.[63] In fact, the Shīʿīs used the same arguments found in the traditions quoted above, where various people rejected ʿUmar's ruling. They aimed to "prove" that *mutʿah* was permitted and practiced by the Prophet and that ʿUmar deviated from the right path of Muḥammad.[64]

In order to put ʿUmar to shame even more, the Shīʿah circulated a tradition to the effect that he abolished the *mutʿah* of marriage for personal reasons. The Shīʿī Imām Jaʿfar al-Ṣādiq (d. 148/765) told his follower al-Mufaḍḍal (or Muḥammad b. al-Mufaḍḍal) that ʿUmar saw his sister ʿAfrāʾ bint al-Khaṭṭāb nursing a newborn child. Upon asking her who the father of the child was, she replied that she married according to the *mutʿah* practice and that the agreed period of marriage was over. ʿUmar, filled with anger, called the Muslims to gather in the mosque. There, he ordered the *mutʿah* abolished, even though he confessed that it was practiced in the times of the Prophet and Abū Bakr. Jaʿfar al-Ṣādiq wondered how no one present expressed any reservation about ʿUmar's ruling and no one told ʿUmar that there was no other prophet after the Prophet Muḥammad and no other book after the Book of Allāh.

This story is quoted in the work of the early ʿAlawī scholar al-Khaṣībī (or, Khuṣaybī) (d. 334/945–946),[65] and found its way into

[62] Abū al-Qāsim al-Kūfī, *al-Istighāthah*, 57–88.
[63] Ibn Shādhān, *al-Īḍāḥ*, 199; Abū al-Qāsim al-Kūfī, *al-Istighāthah*, 72.
[64] Ibn Shādhān, *al-Īḍāḥ*, 197–201.
[65] al-Ḥusayn b. Ḥamdān al-Khuṣaybī, *al-Hidāyah al-kubrā* (Beirut: Muʿassasat al-balāgh, 1986), 423.

the collection of Shīʿī traditions *Biḥār al-anwār* recension as well.[66]

Jaʿfar clearly accuses ʿUmar of considering himself as a new prophet and his rulings as new revelations from Allāh. However, one should take notice that nowhere in the sources, Sunnī as well as Shīʿī, is there any other mention of a sister of ʿUmar called ʿAfrāʾ.

To emphasize the nefarious influence of ʿUmar's ruling on the *mutʿah* issue, the Shīʿah accused ʿUmar of having directly caused the spread of prostitution (*zinā*) in Islam by abolishing this practice. For this purpose, they quote on the authority of ʿAlī a tradition, found also in Sunnī sources, to the effect that had ʿUmar not abolished *mutʿah*, young men would not have committed fornication (*lawlā anna ʿUmar nahā ʿan al-mutʿah mā zanā fityānu-kum hāʾulāʾ*).[67] This must bring every believer to the conclusion that the *sunnah* of ʿUmar indeed infected Islam with moral and ethical corruption.

V. *Conclusion*

The portrait of ʿUmar as founder of the Sunnah, is but one frame of his overall image as the ideal leader in Islam. The shapers of this portrait provided ʿUmar with an authority that opposes, replaces or equals that of the Prophet. By doing so, they might not have been aware that they were setting it in conflict with the authority of the Prophet Muḥammad. One explanation for this feature might be that at that time, the image of Muḥammad as the ultimate spiritual, moral and religious authority in Islam was still "under construction" and had not reached its final stage. Once this was achieved, the Muslim community, the *ummah*, rallied around the Prophet and the image of ʿUmar was diminished. The community preferred the image of a prophet as its source of authority to that of a caliph.

[66] Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār al-jāmiʿa li-durar akhbār al-aʾimma al-aṭhār* (Beirut: Dār al-wafāʾ, 1983), 53:28; 100:303–304, and see the editor's footnote.

[67] Ibn Shādhān, *Īḍāḥ*, 199; Muḥammad b. Jarīr al-Tabarī, *Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*, edited by Maḥmūd Muḥammad Shākir and Aḥmad Muḥammad Shākir. (Cairo, Dār al-maʿārif, 1374–/1954–), 8:178 (9042) to Qurʾān 4:24.

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ESCHATOLOGY, HISTORY, AND THE COMMON LINK: A STUDY IN METHODOLOGY

Andreas Görke

Is the chain of transmitters (*isnād*), which forms an essential part of Islamic traditions, of any value in establishing the authenticity or provenance of a tradition? This question is highly controversial in the study of early Islam. While some scholars hold that the fabrication and falsification of *asānīd* makes it impossible to use *asānīd* as a means to establish the time and place of origin of any given tradition, other scholars believe that at least in some traditions (and especially in those they are studying) the *asānīd* can be shown to indicate the true path of transmission. In some of these latter studies it is argued that forged *asānīd* can be detected in a careful study of the *asānīd* and variants in the *mutūn* of the traditions in question.[1]

This article aims at discussing the methodological basis on which any study of *asānīd* should be grounded. A method of distinguishing traditions in which the *asānīd* actually indicate the lines of transmission from traditions which display forged *asānīd* shall be developed in the course of the argument. It will be argued that in the former case the *asānīd* can be used for dating traditions. This dating of a tradition on the basis of its *asānīd* will then be put to test by confronting it with a dating of the same tradition on external grounds.

This last approach is not new: In a study conducted ten years ago, Michael Cook used eschatological traditions to test some methods and general rules Joseph Schacht had developed for dating traditions with the help of their *asānīd*. Then he compared these results

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[1] See, for example, Gregor Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds* (Berlin: de Gruyter, 1996), 134–142, 150–151, 154–158, 163; Harald Motzki, "*Quo vadis Ḥadīṯ*-Forschung? Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ', the *mawlā* of Ibn ʿUmar, and his position in Muslim *ḥadīth* literature'," *Der Islam* 73 (1996): 219–221; Andreas Görke, "Die frühislamische Geschichtsüberlieferung zu Ḥudaibiya," *Der Islam* 74 (1997): 221; Görke, "The Historical Tradition about al-Ḥudaybiya: A Study of ʿUrwa b. al-Zubayr's Account," in *The Biography of Muḥammad: The Issue of the Sources*, edited by Harald Motzki (Leiden: E.J. Brill, 2000), 256–258.

with the results from a dating of the same traditions on the basis of their *mutūn*. The result was discouraging: In none of the three traditions he studied did the *matn*-based dating correspond with the *isnād*-based dating.[2] His findings shall be reconsidered in this article.

Eschatological—or rather apocalyptic—traditions seem particularly apt for testing *isnād*-analytical methods, since at least some of these traditions can be dated on other grounds with some certainty. In his article "Medieval Apocalypses as Historical Sources,"[3] the Byzantinist Paul Alexander made some general considerations on how to treat eschatological texts as historical sources. For our purposes three points raised in that article are relevant:

1) Apocalyptic traditions often contain prophecies *ex eventu*. They claim to predict events that in fact already have happened; the traditions claim to be older than they are.
2) Although apocalyptic traditions often claim to be older than they are, several of them can be dated with some certainty. This is easiest when the tradition in question describes a line of events of an apocalyptic future. Assuming that such a tradition is invented at a certain time and then traced back to a former authority, the forger will include some historical facts (but in the form of prophecies) to lend it more credibility. As the forger will mostly be unable to correctly predict future events, the tradition will be in agreement with historical events only in the first part of the tradition. The tradition can then be dated approximately to the time of the last event that is still in agreement with historical facts.
3) Once the tradition is dated, it may be possible to draw conclusions to historical facts from the first part of the tradition. As this part usually contains historical facts to make the prophecy more credible, events mentioned there have a high probability of being historical even if they are not known otherwise.

Alexander's approach was followed by a number of scholars in Islamic Studies.[4] Although his study was confined to Syriac and Greek apoc-

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[2] Michael Cook, "Eschatology and the Dating of Traditions," *Princeton Papers in Near Eastern Studies* 1 (1992): 23–47, for the results: 27–38.

[3] Paul J. Alexander, "Medieval Apocalypses as Historical Sources," *The American Historical Review* 73 (1968): 997–1018.

[4] Among others: Suliman Bashear, "Apocalyptic and Other Materials on Early Muslim-Byzantine Wars: A Review of Arabic Sources," *Journal of the Royal Asiatic Society*, Series 3, 1 (1991): 173–307; Michael Cook, "Eschatology and the Dating of

alypses, his considerations and conclusions are general enough to be applied to Islamic apocalyptic texts as well. One characteristic of Islamic apocalyptic texts has to be taken into consideration, however: Most of the traditions we have are rather short, comprising only a few sentences. Common forms of Islamic apocalyptic traditions would be: "The Hour (i.e. that of the Last Judgment) will not come until this or that event takes place" or "A sign of the approaching Hour is that this or that event takes place." Other traditions would deal with the characteristics of the Mahdī, the Sufyānī or other figures associated with Muslim eschatological beliefs. Longer apocalyptic traditions exist, but are less common.

In order to use an eschatological text as a historical source, the time and place of its origin have to be established. In some cases this can be done by studying the events that the text alludes to. Naturally, longer texts contain more details and therefore give more clues to time and place of their origin. As noted above, most of the Islamic apocalyptic texts only consist of a few sentences and thus often make it difficult to assign to them a precise date. Nevertheless, conclusions as to the time of origin of a tradition can be drawn in some cases, if allusions to specific events are made. Assuming that many of these texts include prophecies *ex eventu*, identifying an event enables us to at least give a date after which a tradition came into circulation. In some cases, it may also be possible to give a date before which the tradition was circulated, e.g. through a vision of the future that did not come true. This kind of dating traditions—on the basis of identifying the events alluded to—will be referred to as *matn*-based dating.

In the case of Islamic traditions there might be another means of establishing the date of a tradition—the *isnād*. What we are concerned with here primarily is the common link. Below, we will discuss different concepts of what the common link (that is a common transmitter in all variants of a tradition) represents and how traditions may be dated with its help. This kind of dating—using the evidence of the *asānīd*—will be referred to as *isnād*-based dating.[5] If

Traditions," 23–47; Lawrence I. Conrad, "Portents of the Hour: Ḥadīth and History in the First Century A.H.," unpublished typescript.

[5] Cook in his article used the terms *external dating* and *internal dating*. As these terms might easily be confused with external and internal source criticism and therefore can be misleading, preference was given to the terms *matn*-based and *isnād*-based

this kind of dating proves to be reliable, one would no longer have to rely on known historical facts to date the tradition. Once dated, conclusions to historical facts could then be drawn from those traditions.

I. *General considerations*

Before we turn to the traditions, some general considerations will be discussed, which have to be borne in mind when one studies early Islamic traditions.

I.1 *The changing of traditions*

There is an important feature of traditions that cannot be emphasized enough: Traditions are not static! They tend to change in the course of transmission. The reasons for this change are manifold: The system of transmission in early Islam can be characterized as a combination of oral and written transmission, written transmission becoming more important in the course of time, but always being accompanied by oral transmission. In oral transmission, changes occur naturally and unintentionally. People may remember different parts of a tradition, forget the exact wording, forget the exact line of transmitters. Apart from these unintentional changes, other changes occur due to different motivations of tradents. A teacher may emphasize different points of the tradition at different times. One transmitter may find a certain point in a tradition important and emphasize it or reduce the tradition to it. A transmitter may adapt the tradition, use synonyms, add explanations, etc. In these two kinds of changes, the *meaning* of the tradition stays the same. A third kind of change would be the deliberate change of the meaning—or the *isnād*—to make it sound better for the audience, make it fit a special situation, etc. Finally, a tradition may be completely reworked to change the meaning and give the opposite sense, counter *aḥādīth* can be invented, duplicate traditions can be produced with completely new *asānīd*. All of these changes can be shown to have happened in Muslim traditions, but not all traditions underwent the same changes.

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dating. *Isnād*-based dating in this sense also takes into consideration variants in wording between different *mutūn*, but not their contents.

While the first two kinds of changes are very helpful in the analysis of *asānīd* and *mutūn*, the second two kinds, and especially the last kind, usually complicate the analysis of a tradition.

In the case of eschatological traditions, the reworking of a tradition by later transmitters is an especially relevant issue. The more specific a tradition is in regard to what it predicts, the more reworking is necessary when the events predicted do not take place.[6] This makes the dating of eschatological traditions a lot more difficult.

Excursus: Invention and recast of apocalyptic traditions

To illustrate the process of invention and recast of traditions, a modern example shall be adduced. Shortly after the terrorist attacks in New York City and Washington on September 11, 2001, emails and messages were circulated through the internet stating that Nostradamus (1503–1566) predicted the attack on the World Trade Center in his prophecies. One of the texts that were circulated reads:

> In the City of God there will be a great thunder,
> two brothers torn apart by chaos,
> while the fortress endures, the great leader will succumb.
> The third big war will begin when the big city is burning.

While this was proven to be a hoax—Nostradamus never wrote this quatrain—it may serve as an example of how an event can be used to evoke an apocalyptic scenario. We may imagine the same process at work in medieval apocalypses: An event known to the addressees is taken to be a sign of the approaching end of the world; in the case of the modern prophecy above: World War III.

The phenomenon of recasting a tradition could also be observed in one of those messages. In the version circulating after the attack on the World Trade Center, the text reads:

> Two steel birds will fall from the sky on the Metropolis.
> The sky will burn at forty-five degrees latitude.
> Fire approaches the great new city.
> Immediately a huge, scattered flame leaps up.
> Within months rivers flow with blood.
> The undead will roam the earth for little time.

Some of the emails included the remark that New York City lies between 40–45 degrees latitude. This text is a hoax as well, but in

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6 For some examples of traditions being recast and reinterpreted see S. Bashear, "Muslim Apocalypses and the Hour: A Case-Study in Traditional Reinterpretation," *Israel Oriental Studies* 13 (1993): 75–99.

contrast to the first example, it is not a complete invention, but a revision of a verse Nostradamus in fact wrote. The original quatrain of Nostradamus in an English translation reads:

The sky will burn at forty-five degrees latitude,
Fire approaches the great new city
Immediately a huge, scattered flame leaps up
When they want to have verification from the Normans.[7]

Now this original quatrain seems to have been too vague and the reference to the Normans inopportune to use it as evidence for a Nostradamus prophecy of the attack on the World Trade Center. Thus the tradition had to be reworked, some parts were left out, other parts were added. Again, the process in medieval apocalypses may have been similar to the modern example: A known text, in the modern case one of Nostradamus, is reshaped in order to match it with actual events.[8]

The recast of traditions may in some cases make it impossible to assign a precise date to a given tradition. However, if many variants of a tradition exist, it might be possible to detect the reworking and the persons responsible for it. We therefore have to give some thoughts to the selection of our sources.

I.2 *The Sources*

If the *asānīd* of different versions of a tradition are illustrated together in a chart, this chart will usually look somewhat like the one depicted in Figure 1: All, or almost all, versions have the lower part of the *isnād* in common, that is from the common link of the tradition back to the person S1 on whose authority the tradition is narrated. From the common link upwards, that is to his putative students and their students, the *asānīd* differ; some versions will still have the next transmitter in common, thus forming a so-called partial common link, while other transmitters will be particular to a certain version. Figure 1, of course, is an idealized illustration. We will discuss variants of this model later on.

[7] The French original reads: *Cinq et quarante degrés ciel bruslera/Feu approcher de la grand cité neuve/Instant grand flamme esparse sautera/Quand on voudra des Normans faire preuve.* (Century VI, quatrain 97; most of Nostradamus' quatrain can be found online: http://www.astrology-online.com/nostradamus-centuries.txt).

[8] The discussion about these and other false prophecies can be found on severals websites, see for example: http://urbanlegends.about.com/library/weekly/aa091101b.htm.

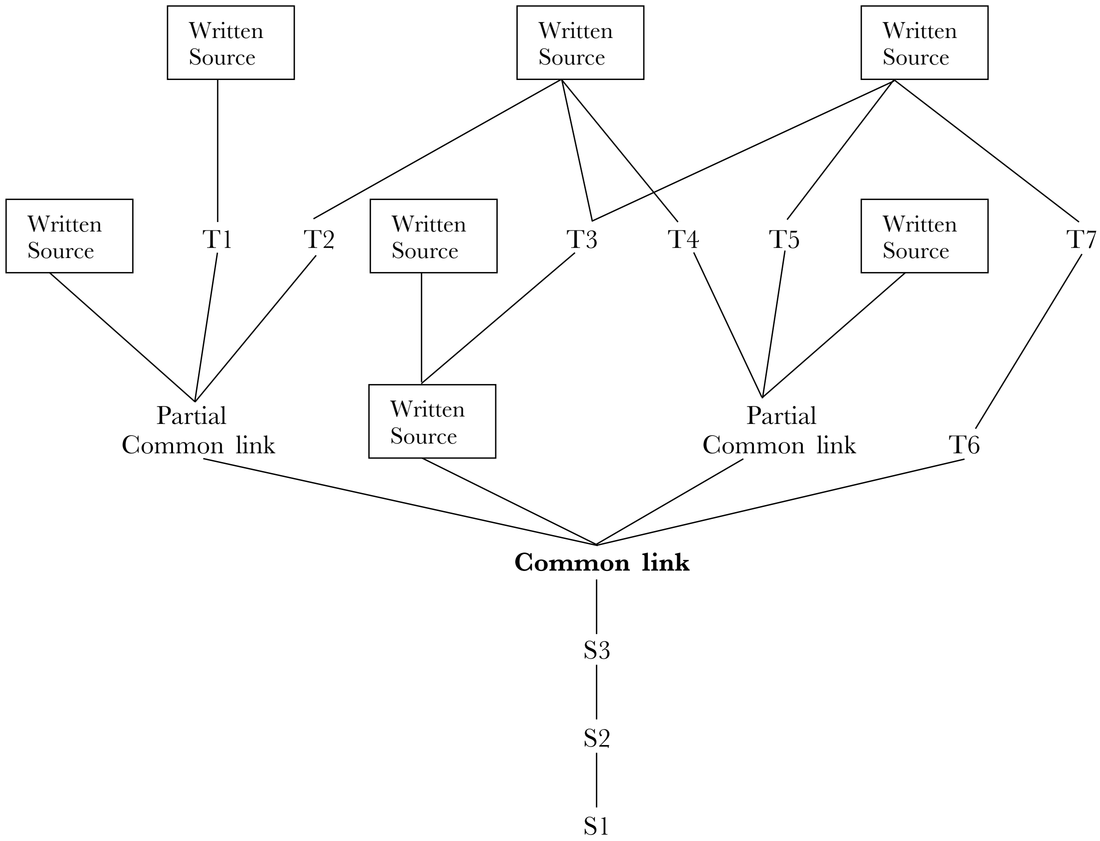

Written Source
Written Source
Written Source
Written Source
T1
T2
Written Source
T3
T4
T5
Written Source
T7
Partial Common link
Written Source
Partial Common link
T6
Common link
S3
S2
S1

Figure 1

If we want a study using *isnād*-analytical methods to yield any relevant results, we need a large number of variants of a tradition and a large number of sources where this tradition is recorded. While the necessity of a large number of traditions was already illustrated above, the necessity of these traditions being recorded in different sources might be less obvious. Does it make a difference if, say, 30 traditions are recorded in some 20 different sources or if they are collected in a single source? It does for two reasons: On the one hand, the more independent sources we have, the more unlikely will it be that certain political motives, personal preferences etc. will have an effect on the overall picture of the traditions. An anti-Umayyad bias may have affected the selection of traditions in one source, but the more sources we have, the more likely will this bias be noted. On the other hand, a single source might be more restricted in regional terms. Although we do know that many scholars traveled a lot, they will still have different regional focuses. An author living most of his life in Baghdad will have access to a very large number of traditions transmitted by scholars from Iraq. He will also include some traditions from Syrian, Egyptian or Ḥijāzī transmitters, provided he traveled to these places or met these transmitters in Baghdad or on a *ḥajj*, but most probably the traditions from other places will take less room and will represent only a small part of the traditions in circulation there, while he may well record most of the traditions on a certain topic in circulation in Baghdad. Our author will most probably record even less of the traditions in circulation in more distant places like al-Andalus or Khurasān. Thus the traditions represented in a single source might give a rather distorted picture of what was really in circulation at that time.

In regard to the common link, this is particularly important. When we use a single source with a regional focus on Iraq, we might wrongly consider an Iraqi partial common link to be the common link of the whole tradition, just because the author failed to record many of the Syrian or Egyptian traditions. Even if he managed to record a Syrian and Egyptian *isnād*, these single strands might be considered to be later *dives*.[9]

[9] The term *dive* was coined by Gautier Juynboll in his article "Nāfiʿ, the *mawlā* of Ibn ʿUmar, and His Position in Muslim *Ḥadīth* Literature," *Der Islam* 70 (1993): 213. It signifies an invented path of transmission that reaches downwards from a later transmitter to an older authority than the common link and deliberately avoids to mention the common link.

Another problem that we face when dealing with a single source is the fact that the same tradition might be quoted in different chapters of the work. The wording of the tradition might be slightly different, stressing different points according to the chapter. This would give the wrong impression that a tradition was frequently transmitted with a certain *isnād*, while in fact it is only one single tradition. It may also happen that a slip in the names of the *isnād* occurred. To give an example: Abū ʿUbayd in his *Kitāb al-amwāl* quotes a tradition with the *isnād* Ḥajjāj ← Ibn Abī Dhiʾb ← al-Zuhrī (#85). In another chapter, he gives the same tradition with identical wording but with the *isnād* Yazīd b. Hārūn ← Ibn Abī Dhiʾb ← al-Zuhrī (#433).[10] As the wording is identical, which is rather uncommon in versions of different transmitters, this is likely to be a single variant, the difference in the names of the transmitters being due to a mistake of Abū ʿUbayd or a later copyist of his work. Nevertheless, this mistake would suggest a common link in Ibn Abī Dhiʾb, if this tradition were to be treated as two different traditions.[11] Such a mistake could be discovered more easily if many variants of a tradition were studied: If for instance in other sources all variants of the above tradition which are traced back through Ḥajjāj had this same wording while those traced back through Yazīd b. Hārūn had a different wording, this could indicate that Abū ʿUbayd or a later copyist made a mistake in citing this wording on the authority of Yazīd. A mistake of Abū ʿUbayd or a later copyist would also be likely if in other sources the tradition were only cited on the authority of Ḥajjāj and never on that of Yazīd. Thus a broad scope of sources is extremely important if an *isnād*-analysis is to give any valuable and reliable results.

Another point of importance is the selection of traditions. We have already noted that traditions might change in the course of transmission. Different traditions might be combined into a single one, new parts might be added, other parts dropped, topoi can be incorporated. This makes it difficult to establish whether the traditions used for an analysis are indeed variants of a single tradition or whether they are different traditions. For an *isnād*-analytical study, however, it is important not to mingle together different traditions.

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[10] Görke, *Das Kitāb al-Amwāl. Entstehung und Werküberlieferung* (Ph.D. dissertation, Hamburg, 2000), 36 of the typescript.

[11] In this case, Abū ʿUbayd gives a second *isnād* for a similar tradition (#434), but this is irrelevant for our argument.

I.3 *The Common Link*

There are three different concepts of what the common link represents. It is either considered to be the *collector* who first systematically spread the *ḥadīth*. In this case, the *ḥadīth* in question is older than the common link. The second concept considers the common link to be the *inventor* of the *ḥadīth* in question, in this case also providing it with an *isnād* reaching further down, possibly to the prophet. Finally, it can be considered to be the *authority* to whom a tradition is ascribed by a later figure and whose authority is large enough to make other persons also ascribe the tradition to him. In this case, the common link has nothing to do with the tradition whatsoever. Using either of these concepts of the common link, however, paves the way of interpreting the evidence in whatever direction one wants to interpret it. Thus the tradition might be *older* than the common link (using the collector concept), it might originate *with* the common link (using the inventor concept), or it might be *younger* than the common link (using the authority concept). If we accept that all this might happen, the common link would be of no use at all in establishing the date of a tradition. However, a distinction can be made if we consider what a tradition should look like in each of these cases.

In the first two cases, the common link indeed transmits the tradition to several people who themselves transmit it to several of their students and so on. What we would expect in these cases is a certain pattern when we compare the *asānīd* and the *mutūn* of the variants in question. A teacher might give slightly variant versions of the tradition at different times, different students might emphasize different points in their transmission etc. If these students then pass on this tradition, their versions will differ to some degree and these differences will also effect the versions of their students respectively. Thus, the *mutūn* of a certain tradition will differ slightly in different transmissions, and, more importantly, the variance in the *mutūn* will correspond in some way to the variance in the *asānīd*. This pattern has been observed in several studies.[12]

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[12] In addition to the studies mentioned in footnote 1: Ulrike Mitter, "Unconditional Manumission of Slaves in Early Islamic Law," *Der Islam* 78 (2001): 35–72; Harald Motzki, "The Collection of the Qur'ān: A Reconsideration of Western Views in Light of Recent Methodological Developments," *Der Islam* 78 (2001): 1–34; Motzki, "The Prophet and the Cat: On Dating Mālik's *Muwaṭṭa'* and Legal Traditions," *Jerusalem Studies in Arabic and Islam* 22 (1998): 38–83; Motzki, "The Murder of Ibn

In the case of a later ascription, this pattern should not occur. In this case, the common link would be the result of a spreading of *asānīd*. This phenomenon was described by Schacht[13] and Cook[14] and basically means the following: A sheikh S1 teaches a tradition with the *isnād* S1 ← his master M ← authority A.[15] Another sheikh S2 hears this tradition from S1 but does not give the *isnād* S2 ← S1 ← M ← A, but instead something like S2 ← M ← A or S2 ← N [a different master] ← A. This of course might create false common links and obscure the view to the originators of the tradition. That this spreading did indeed happen can easily be demonstrated: Nuʿaym b. Ḥammād preserves two traditions warning the Arabs from the time after the year 125/742–743.[16] The tradition is rather long and in the two versions preserved is almost identical in wording. The *asānīd* differ, however. The first tradition is quoted on the authority of Ibn Wahb ← Ibn Lahīʿah ← Ḥamzah b. Abī Ḥamzah ← Abī Hurayrah. The second tradition bears the *isnād* ʿAbd al-Razzāq and Ibn Thawr ← Maʿmar ← Ṭāriq b. Mundhir ← Muḥammad b. ʿAlī ← ʿAlī.[17] In another tradition, which just mentions the first sentence of the tradition, a third *isnād* is given: Rishdīn ← Jarīr b. Ḥāzim ← al-Ḥasan ← Abū Hurayrah. There is not a single name all three *asānīd* have in common. Nevertheless, the traditions are so close to each other in wording that they cannot be independent from each other. The conclusion then must be that we here have a clear case of spreading. Someone took the known tradition and provided it with a new *isnād*. It is tempting to make Ibn Lahīʿah responsible for this, as he is well known to have produced duplicate traditions.[18] But with only a very few variants existing, this cannot be established.

Abī l-Ḥuqayq: On the Origin and Reliability of Some *Maghāzī*-Reports," in *The Biography of Muḥammad*, 170–239; Iftikhar Zaman, "The Science of *Rijāl* as a Method in the Study of Hadiths," *Journal of Islamic Studies* 5 (1994): 1–34.

[13] Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 166–171.

[14] Michael Cook, *Early Muslim Dogma* (Cambridge: Cambridge University Press, 1981), 107–111.

[15] It does not matter if S1 invented the tradition and the *isnād* or just transmits it.

[16] Nuʿaym b. Ḥammād, *Kitāb al-fitan*, #543 and #544. The traditions are again alluded to in #1454.

[17] The last two names are only mentioned by ʿAbd al-Razzāq: Abū Nuʿaym, *Fitan*, #544.

[18] See, for example, Wilferd Madelung, "The Sufyānī between Tradition and History," *Studia Islamica* 63 (1986): 31f.

This again gives us the opportunity to emphasize the importance of a large number of traditions and sources. The more sources we have, the easier it will be to detect a duplicate tradition.

A pattern similar to the one we mentioned above—showing a correspondence between the *mutūn* and *asānīd* in the variants—would imply that a forger would have to change the *matn* a little if he only changes the last name in the *isnād*. Another forger providing the tradition with an *isnād* which differs in the last two or three names, would have to make larger changes in the *matn*. Moreover, he would have to know the changes other forgers made in order not to make too large or too little changes—a highly unlikely process.

Thus the common link in this last concept will provide a different, more arbitrary pattern in which *isnād* and *matn* do not correspond well. If, on the other hand, we find a pattern in which *asānīd* and *mutūn* do correspond, we should be able to rule out that the fabrication of that tradition occurred later than the common link.

The question whether a tradition was invented or merely transmitted by a common link is more difficult to answer. Historical probabilities might be adduced, but if we argued on that basis we would not need the common link at all. The question is whether the two concepts can be separated *only* by studying the variants themselves. We might escape this problem if we say that the common link is the person who is responsible for the tradition *in the form we have it*. He may have used earlier materials, but he is the one who gave the tradition a certain form in which it was then transmitted.

Nevertheless, a difference that might occur would be in the *isnād* reaching down from the common link to the person on whose authority the tradition is reported. In the case of the common link being the collector and honest transmitter of the *ḥadīth*, we would expect him to always give the same *isnād* when transmitting the tradition. On the other hand, if the common link was the inventor of the *ḥadīth*, he might well change the *isnād* according to his audience's expectations. A forger in Egypt might well invent a tradition and say that he heard it from Mālik b. Anas, but he will have difficulties when using this *isnād* in Medina, where people might still know that Mālik never held this view. Similarly, he might want to change the *isnād* when transmitting this tradition to people coming from Medina or to people known for their expertise in Mālik's traditions. A transmitter who in fact heard a tradition from Mālik will have little rea-

son to say that he in fact heard the tradition from someone else.[19]

We can distinguish three idealized forms of *isnād*-bundles then, very roughly corresponding to the three concepts of the common link.

1) A very good correspondence between *isnād* and *matn*: Traditions transmitted with a certain chain of transmitters show the same features. This would indicate a historical transmission from the common link onwards. The single strand in the lower part could signify that either the common link indeed was very faithful or that he invented the tradition but adhered to one *isnād*. In the following, these bundles shall be called *consistent bundles*. (See Figure 2)
2) A correspondence between *isnād* and *matn* with some difficulties: different *asānīd* from the common link backwards or versions which to not correspond well in terms of *isnād* and *matn*. This could indicate that the common link invented the tradition and changed it according to the needs of the audience and that some people later concealed their true sources or tampered with the tradition in some way or another. These bundles will be referred to as *inconsistent bundles*. (See Figure 3)
3) No clear correspondence between *isnād* and *matn*, possibly not even a single common link. This could indicate a tradition that was used by many different people who supplied it with different *asānīd*. These bundles will be called *odd bundles*. (See Figure 4)

As a rule of thumb we might say that the more uniform the pattern of *isnād* and *matn* correspondence is, the more likely it is that the common link is either the collector or the inventor of the tradition. Only in traditions with some *isnād-matn*-correspondence can the common link be used for dating the traditions. The more arbitrarily *isnād* and *matn* are distributed among the variants, the more probable it is that several people tampered with the tradition in question and that the common link is of no use for dating the tradition.

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[19] This is not a completely reliable criterium, though: Someone who heard a tradition from a relatively unkown person might well have had reasons to change the *isnād* and claim that he heard it from a famous transmitter, while someone inventing a tradition might always relate it with the same fictitious *isnād*. Nevertheless, we would expect that someone who invents a tradition will have less scruples to adjust it to the audience than someone who transmits a tradition he really heard.

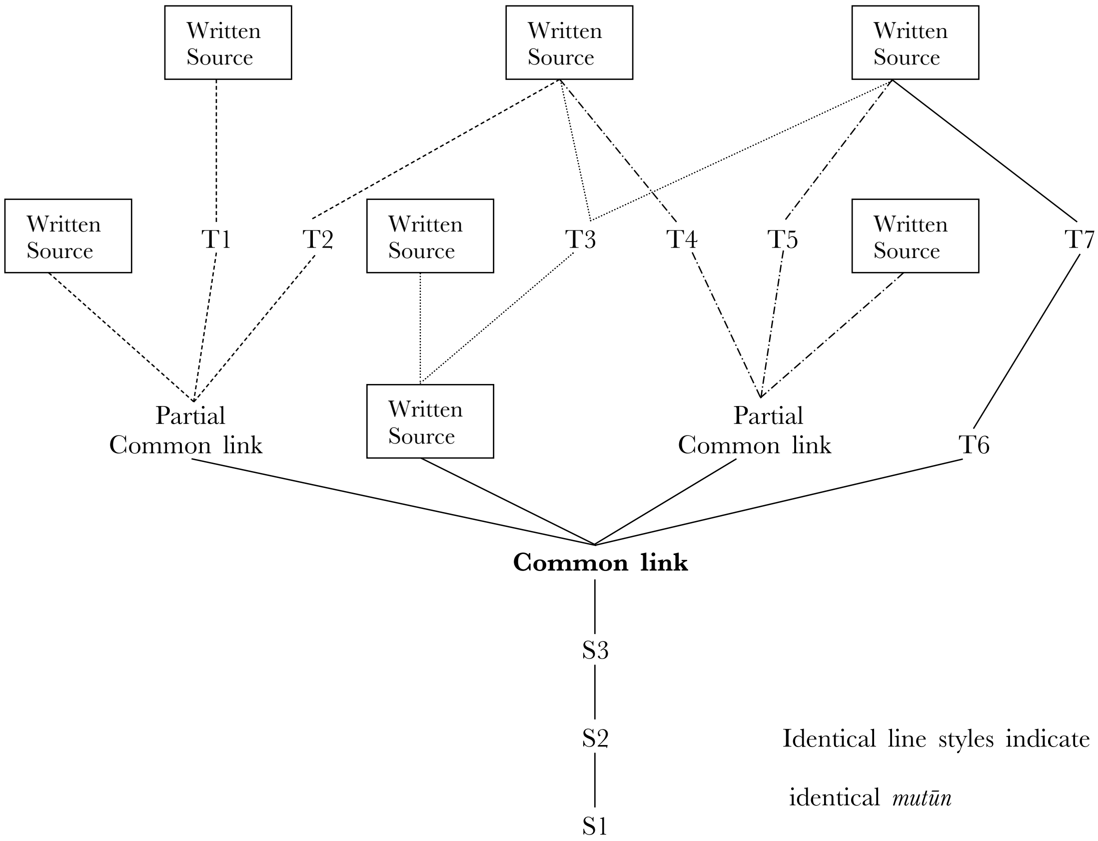


Figure 2: Consistent tradition

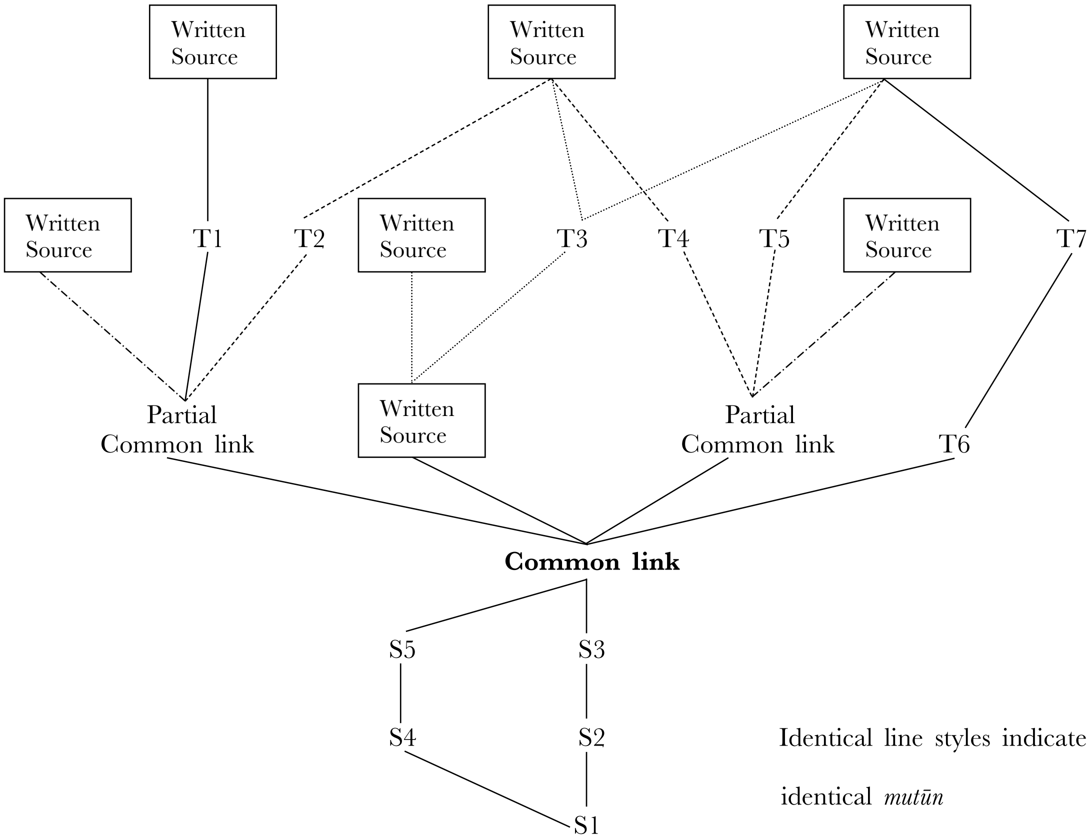


Figure 3: Inconsistent tradition

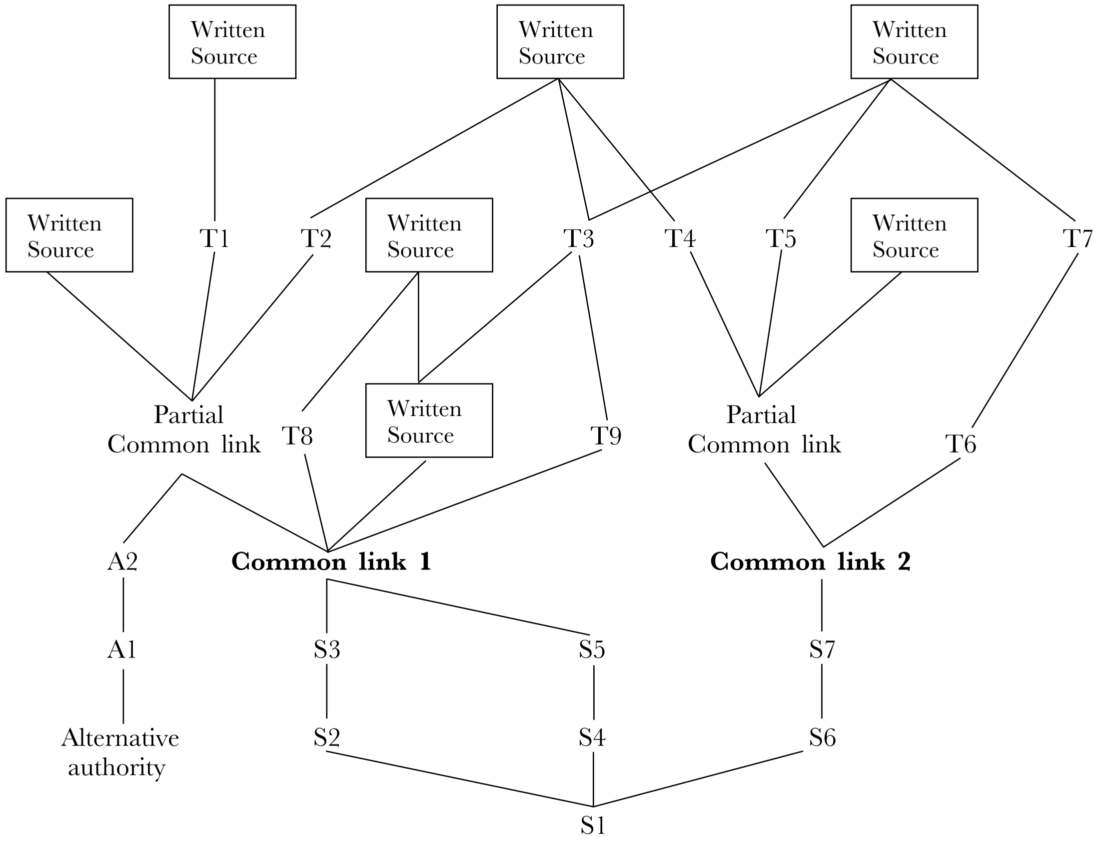


Figure 4: Odd tradition

This of course sets us back when trying to date eschatological traditions: As we want to study *invented* traditions, which can more easily be dated on the basis of their *mutūn*, we would expect more bundles of the forms 2 and 3 (*inconsistent* and *odd* bundles) and less of the form 1 (*consistent* ones). Thus, while eschatological traditions might be easier to date on the basis of their *mutūn*, they are—due to their nature—more difficult to date on the basis of their *asānīd*. This is a methodological dilemma that cannot be easily evaded. For testing the *mutūn*-based dating against the *isnād*-based dating we need tradition bundles that show at least some consistency. This reduces the number of traditions considerably that can be used to test the two methods of dating against each other. Nevertheless, there still are traditions that are consistent enough to be used for that purpose. One of them will be studied in the latter part of this paper.

I.4 *Mutūn-based dating of eschatological traditions*

Two difficulties arise with the *mutūn*-based dating of eschatological traditions. The first is the identification of the event or events alluded to: In many cases the traditions dealing with the portents of the hour, the Mahdī, and other related topics will be vague to some degree. In some cases this will make it difficult to identify an event with certainty. Even if an event can be identified, a second difficulty might arise: the question when the tradition alluding to that event was put into circulation. In the case of a very unlikely event or one in which many details are mentioned, we might exclude the possibility of the tradition being earlier than the event in question. But if the event alluded to is treated as a sign of the approaching hour, the tradition might well be invented a little later than the event. The traditions were obviously still considered relevant after a number of generations even if the hour did not come. Otherwise they would not have been transmitted and collected. But if a tradition was still relevant one or two generations after the event, it might well have been brought into circulation only at that time. This, of course, would depend very much on the tradition in question.

As a general rule, however, we might say that the person inventing or shaping a tradition alluding to a certain event must have lived at the time of the event or a little later. When several variants of such a tradition are preserved and show the typical pattern of *isnād* and *matn* correspondence (making it a *consistent* tradition), the figure

responsible for the tradition will be the common link. Thus, to prove the validity of the *isnād-cum-matn*-analysis, this analysis should lead us to a common link *at the time of the event in question or slightly later*. If it leads us to a common link living much later or to one living earlier than the event, we would have to discard the common link as a means of establishing the date of a tradition.

To sum up: When we attempt to seriously test the method of *isnād*-based dating with the common link against the *matn*-based dating, we need a tradition that is

a) widely attested,
b) attested in different sources,
c) explicit enough to be firmly dated on the basis of its contents and that
d) shows a certain pattern in the *asānīd* of its variants which is more or less that of a *consistent* tradition. As we deal with invented traditions, where we would not expect many *consistent* traditions, this would at least imply that there is a single common link and that in the case of some partial common links a correspondence between *isnād* and *matn* can be found.

A tradition that does not show these features does not have to be invented, forged, etc. The point is that a tradition that lacks these features cannot be securely dated on the basis of the *asānīd*. However, if we want to test the two methods of dating against each other, we have to use traditions that can be dated both on the basis of their *mutūn* and their *asānīd*.

II. *A Reconsideration of Michael Cook's Findings*

Let us now turn to Cook's article and his findings. In his article, he discussed three apocalyptic traditions. Taking into account the above considerations, two of these traditions are highly problematic if used to evaluate the common link. These two traditions are almost exclusively attested in a single source, the *Kitāb al-fitan* of Nuʿaym b. Ḥammād. The first of these traditions was studied in detail by Jorge Aguadé.[20] It is an apocalyptic tradition according to which in the

[20] Jorge Aguadé, "Algunos hadices sobre la ocupatión de Alejandría por un grupo

last days the people of al-Andalus will invade Egypt. Aguadé argued that the tradition refers to the occupation of Alexandria by Muslims from al-Andalus, which lasted from 199/814–815 to 212/827–828.

The tradition is attested only ten times at all—a very small number if one wants to gain information on the common link. The variants of the tradition differ considerably. In fact, they differ in such a way that one might ask if this is really the same tradition. Compare e.g. traditions B and E. B: Ibn Wahb and Rishdīn ← Ibn Lahīʿah ← Abū Qabīl ← ʿAbd Allāh b. ʿAmr: "The people of al-Andalus will come over the sea, and the length of their boats on the sea will be fifty miles and its width will be thirteen miles, and they will land at al-Aʿmāq." E: al-Walīd b. Muslim ← Layth b. Saʿd ← ʿAmr b. al-Ḥārith ← ʿUmar b. al-Khaṭṭāb: "They will fight you at Wasīm, but God will defeat them. Then Abyssinia will come in the second year." Even if the traditions are assumed to refer to the same event, they remain separate traditions and should not be mingled together in on *isnād* analysis.[21]

The *mutūn*-based dating of the tradition is problematic. If we accept the dating of the tradition in question to the year 199 or later, this would place it *later* then any of its purported transmitters. Nuʿaym b. Ḥammād quotes it several times on the authority of Rishdīn b. Saʿd (d. 188/804) and al-Walīd b. Muslim (d. 195/811). According to the *mutūn*-based dating, both cannot have anything to do with the tradition. Thus Nuʿaym b. Ḥammād must have invented at least the seven *asānīd* he gives for this tradition—with all variants in wording—or possibly even the whole tradition. Apart from this, the tradition does not correspond well to the historical event. Alexandria is not mentioned at all, but instead Wasīm, close to Cairo, is. In the variants in which the religion of the invaders is apparent, they are infidels, not Muslims as in the historical occupation of Alexandria.[22] Thus the view that this tradition refers to the occupation of Alexandria can be doubted.

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de hispano-musulmanes," *Boletín de la Asociatión Española de Orientalistas* 12 (1976): 159–180.

[21] Cook already thought that version B should be discarded as it makes no reference to Egypt. Cook, "Eschatology and the Dating of Traditions," 41 n. 25.

[22] These problems have already been discussed by Cook, "Eschatology and the Dating of Traditions," 27–29.

The second tradition has an apocalyptic setting in which Syria will be invaded by Byzantium. The Byzantine ruler is identified in the traditions as Tiberius, son of Justinian. The tradition has been studied in detail by Cook in a separate article.[23]

For an *isnād*-based dating, this tradition does not do much better than the first—it is only attested very few times, almost only in the *Kitāb al-fitan*, there are large differences in the content, there is not one common link, but two. Of the 13 versions Nuʿaym b. Ḥammād quotes in his *Kitāb al-fitan*, some are in fact the same tradition quoted in different chapters and not independent traditions. The tradition F10 is identical in wording to F1, with the exception that Tubayʿ is missing in the *isnād*.[24] This is probably due to a mistake of Nuʿaym himself or a mistake that occurred in the transmission of the *Kitāb al-fitan*. Other traditions that in fact seem to be identical are F3 and F12 (with a few variants in wording), and most probably also F5 and F13 (although the variants are larger in this last case). Therefore, the number of variants of the tradition is even further reduced, making conclusions from this tradition all the more difficult.

In both cases, Nuʿaym b. Ḥammād quotes some traditions with a combined *isnād* (e.g. Rishdīn b. Saʿd *and* al-Walīd b. Muslim, both from Ibn Lahīʿah). In this case we cannot say whether the two versions were identical in wording or just close to each other. Thus, these combined *asānīd* make a study of variants in the *mutūn* impossible.

Another point that should be noted, is that in both traditions ʿAbd Allāh b. Lahīʿah features prominently: He represents a key figure or the common link in the first tradition, and one of two common links in the second tradition. ʿAbd Allāh b. Lahīʿah is known to have produced duplicate traditions, taking a known tradition and providing it with an *isnād* of his own. In some studies it could be shown that his traditions are later reworkings of a known tradition.[25] We should of course not dismiss all of the traditions transmitted on his authority outright. But traditions in which he features so prominently as

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[23] Cook, "The Heraclian Dynasty in Muslim Eschatology," *al-Qantara* 13 (1992): 3–23.

[24] The numbers refer to Cook's article "The Heraclian dynasty," 4, n. 5 and 19–23. In the *Kitāb al-fitan* (ed. M. Shūrā), they correspond to the following traditions: F1=#1079, F3=#1228, F5=#1253, F10=#1306, F12=#1310, and F13=#1312.

[25] Andreas Görke, "Die frühislamische Geschichtsüberlieferung," 220f.; Görke, "The Historical Tradition about al-Ḥudaybiya," 257f.; Gregor Schoeler, *Charakter und Authentie*, 81–85.

in these two examples might not be a good starting point to evaluate the general reliability of *asānīd* and common links.

To sum up, both traditions do not fulfill the points a), b), and d). In the first case the *mutūn*-based dating (point c)) is also problematic.

Thus, from a methodological point of view, we would not expect to get good results from these traditions. Their *asānīd* are simply not suited for dating a tradition.

The third tradition Cook discusses in his article was studied in detail by Wilferd Madelung.[26] It contains an alleged prophecy that seems to be built on the career of ʿAbd Allāh b. al-Zubayr (2/623–73/692), possibly trying to identify him with the Mahdī, though neither Ibn al-Zubayr nor the Mahdī are mentioned explicitly. From the methodological point of view, it does far better than the other two traditions: It is attested in several collections, has a clear common link and three partial common links after the common link. However, mention has to be made of a comment of al-Ṭabarānī that he heard the tradition not only from ʿUbayd Allāh b. ʿAmr ← Maʿmar ← Qatādah (Qatādah being the common link of the tradition), but also from ʿUbayd Allāh ← Layth ← Mujāhid.[27] This might indicate that the tradition is older than Qatādah's version of it. Qatādah in some of the variants is said to have heard the tradition from Mujāhid or from Ṣāliḥ ← Mujāhid. While Qatādah (60/680 to 117/735) lived a little too late to have invented this tradition, Mujāhid (21/642 to 100/718 or 104/722) could well have done so. But as only al-Ṭabarānī records the *isnād* going back to Mujāhid we might dismiss it as a later dive or a case of spreading. We would have to conclude that Qatādah is responsible for the tradition *in the form we have it*. Recalling our consideration from above, a common link spreading a tradition that alludes to events recently gone by can be explained and does not invalidate the common link as a means for the dating of traditions. In this case, it is unlikely that Qatādah made up the whole story, but there is no reason to doubt that he systematically spread it.

[26] Wilferd Madelung, "ʿAbd Allāh b. al-Zubayr and the Mahdī," *Journal of Near Eastern Studies* 40 (1981): 291–305.

[27] al-Ṭabarānī, *al-Muʿjam al-kabīr*, edited by Ḥ. al-Salafī (Mosul: Maktabat al-ʿulūm wa-al-ḥikam, 1404/1983), 23:390. (Cited according to the CD-Rom *al-Maktabah al-alfīyah li-al-sunnah al-nabawīyah*.)

III. *A Case Study*

To put the method to a test, I chose a well-attested tradition, which in my opinion can be dated both on the basis of its *matn* and on the basis of the *asānīd* of its variants. (This latter *isnād*-based dating also takes into consideration variations in the wording of the *mutūn*, but not their contents.)

The tradition in question exists in slightly different versions and states that the name (*ism*) of the Mahdī will be the same as the Prophet's and that his father's name will be the same as the Prophet's father's, i.e. that the name of the Mahdī will be Muḥammad b. ʿAbd Allāh. There are other traditions that only refer to the *ism* that will be the same.[28]

In general these traditions are reported on the authority of the Prophet himself. But as the idea of the Mahdī developed only in later times,[29] we might exclude the possibility of Muḥammad himself having actually said anything about the name of the Mahdī. If this is the case, the traditions will have been brought into circulation to bolster the claims to authority of someone called Muḥammad or Muḥammad b. ʿAbd Allāh. Two persons named Muḥammad b. ʿAbd Allāh come to mind, who were given the *laqab* al-Mahdī: Muḥammad b. ʿAbd Allāh b. al-Ḥasan, *al-Nafs al-Zakīyah* (93/711–712 to 145/762), and Muḥammad al-Mahdī, the third ʿAbbāsid caliph (127/744–745 to 169/785; r. 158/775–169/785). Of these, the former one is much more likely to be the object of the tradition in question. Muḥammad b. ʿAbd Allāh b. al-Ḥasan rebelled against the ʿAbbāsids in 145/762, he was the focus of ʿAlīd hopes for the leadership. The *laqab* al-Mahdī was given to him by his father. Amongst those who claimed that he was indeed the Mahdī was al-Mughīrah b. Saʿīd (d. 119/737).[30] His cause is said to have been supported by many of the leading scholars. The *ḥadīth* in question could have helped to support this cause.

For the ʿAbbāsid caliph al-Mahdī on the other hand, it would not make much sense to invent a tradition like this: He probably was

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[28] See below for the references.

[29] Compare W. Madelung, "al-Mahdī," in *The Encyclopedia of Islam* (Leiden: E.J. Brill, 1954–), 5:1230–1238.

[30] F. Buhl, "Muḥammad b. ʿAbdallāh b. al-Ḥasan," in *The Encyclopedia of Islam* (Leiden: E.J. Brill, 1954–), 7:388–389.

given the title al-Mahdī only in the year 145/762. From this year we have numismatic evidence of the *laqab* al-Mahdī being used for the designated heir Muḥammad. It is not unlikely that this title was given to him only after the revolt of Muḥammad b. ʿAbd Allāh b. al-Ḥasan and his brother Ibrāhīm.[31] There are traditions that seem to indicate that the title was given to him to counter the claims of Muḥammad b. ʿAbd Allāh b. al-Ḥasan.[32] After another man of this name had just passed away, it is very unlikely that this tradition was brought into circulation in favor of the ʿAbbāsid caliph. Most variants of the tradition also mention that the Mahdī will be from the *ahl al-bayt*, that is, from the prophet Muḥammad's family. While Muḥammad b. ʿAbd Allāh b. al-Ḥasan indeed was a direct descendant from the prophet, the ʿAbbāsid caliph was not. We would therefore assume that this tradition was coined to support the claims of Muḥammad b. ʿAbd Allāh b. al-Ḥasan. In this case, the tradition must be dated to his lifetime. Most probably he was not referred to as the Mahdī as a child,[33] but it seems that already before 119/737 he was given this epithet, since in that year al-Mughīrah b. Saʿīd died, who was among those who claimed that Muḥammad b. ʿAbd Allāh b. al-Ḥasan was the Mahdī. Thus we may reduce the time span when this tradition was invented from approximately 110/728–729 to 145/762. The place of origin of this tradition is not as easy to determine on external grounds. Possible regions would be Medina, where the revolt of Muḥammad took place, Baṣrah, where his brother Ibrāhīm revolted at the same time, and Kūfah, where al-Mughīrah b. Saʿīd claimed that Muḥammad b. ʿAbd Allāh was the Mahdī and which had a strong Shīʾī bias.

Isnād-based dating: Variants of this tradition can be found in several sources. There are some 30 variants of the tradition stating that both the name and the father's name of the Mahdī will correspond to the Prophet's name and the Prophet's father's name.[34] These variants

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[31] See Jere L. Bacharach, "*Laqab* for a Future Caliph: The Case of the Abbasid al-Mahdī," *Journal of the American Oriental Society*, 113 (1993): 271–274.

[32] See, for example, Abū al-Faraj al-Iṣfahānī, *Maqātil al-ṭālibūyīn*, edited by A. Ṣaqr (Beirut: Mu'assasat al-aʿlamī li-al-maṭbūʿāt, 1408/1987), 212.

[33] Although there are traditions claiming that he was already considered to be the Mahdī at his birth. Abū al-Faraj al-Iṣfahānī, *Maqātil al-ṭālibīyīn*, 210–217.

[34] The tradition can at least be found in the following works (an * behind the reference indicates that the work is cited according to the CD-ROM *al-Maktabah al-alfīyah li-al-sunnah al-nabawīyah*): Ibn Ḥibbān, *Ṣaḥīḥ*, edited by Sh. al-Arna'ūṭ (Beirut:

can be found in 20 different sources. Therefore an *isnād-cum-matn*-analysis can be attempted. As the tradition is often related *without* mention of the father's name, these variants will also be studied. They amount to another 50, increasing the total number to 80 traditions to be found in at least 28 sources.[35]

Mu'assasat al-risāla, 1414/1993), 15:236*; al-Ḥākim al-Nīsābūrī, *al-Mustadrak ʿalā al-ṣaḥīḥayn fī al-ḥadīth* (Haydarabad: Dā'irat al-maʿārif al-niẓāmīyah, 1334/1915–1342/1924), 4:442, 464; ʿAlī b. Abī Bakr al-Ḥaythamī, *Mawārid al-ẓam'ān ilā zawā'id Ibn Ḥibbān*, edited by M. ʿAbd al-Razzāq Ḥamzah (Beirut: Dār al-kutub al-ʿilmīyah, n.d.), 464*; Abū Dā'ūd al-Sijistānī, *Sunan Abī Dā'ūd*, edited by M.M. ʿAbd al-Ḥamīd (Beirut: Dār al-Fikr, n.d.), 4:106; Ibn Abī Shaybah, *Kitāb al-Musannaf fī al-aḥādīth wa-al-āthār*, edited by K.Y. al-Ḥūt (Riyadh: Maktabat al-Rushd, 1409), 7:513*; al-Shāshī, *al-Musnad*, edited by M. Zain Allāh (Medina: Maktabat al-ʿulūm wa-al-ḥikam, 1410), 2:110*; al-Ṭabarānī, *al-Muʿjam al-awsaṭ*, edited by ʿA. al-Ḥusaynī *et al.* (Cairo: Dār al-Ḥaramayn, 1415), 2:55*; al-Ṭabarānī, *al-Muʿjam al-kabīr*, 10:133, 135, 19:32*; Ibn ʿAsākir, *Ta'rīkh madīnat Dimashq*, edited by ʿU. al-ʿAmrawī (Beirut: Dār al-fikr, 1415/1995–1419/1998), 53:414; Khaythamah b. Sulaymān, *Min ḥadīth Khaythama b. Sulaymān al-Qurashī*, edited by ʿU. ʿAbd al-Salām (Beirut: Dār al-kutub al-ʿarabī, 1400/1980), 192*; al-Dānī, *al-Sunan al-wāridah fī al-fitan wa-ghawā'ili-hā wa-al-sāʿah wa-ashrāṭi-hā*, edited by Ḍ. al-Mubārkafūrī (Riyadh: Dār al-ʿāṣimah, 1416), 5:1054*; Nuʿaym b. Ḥammād, *Kitāb al-fitan*, edited by M. al-Shūrī (Beirut: Dār al-kutub al-ʿilmīyah, 1418/1997), #1010, #1017, #1018, #1021; al-Bayhaqī, *al-Iʿtiqād wa-al-hadāyah*, edited by A. ʿIṣām al-Kātib (Beirut: Dār al-āfāq al-jadīdah, 1401), 215, 216*; al-Jurjānī, *al-Kāmil fī ḍuʿafā' al-rijāl*, edited by Y.M. Ghazāwī (Beirut: Dār al-fikr, 1409/1988), 3:99, 4:28, 4:197*; Abū al-Shaykh al-Anṣārī, *Ṭabaqāt al-muḥaddithīn bi-aṣbahān wa-al-wāridīn ʿalay-hā*, edited by ʿA. al-Bulūshī (Beirut: Mu'assasat al-risālah, 1412/1992), 3:95*; al-Qazwīnī, *al-Tadwīn fī akhbār Qazwīn*, edited by ʿA. al-ʿUṭāridī (Beirut: Dār al-kutub al-ʿilmīyah, 1987), 1:431*; al-Khaṭīb al-Baghdādī, *Ta'rīkh Baghdād* (Cairo, Baghdad: Maktabat al-khanjī a.o., 1349/1931), 1:370, 5:391; al-Khaṭīb al-Baghdādī, *Muwaḍḍiḥ awhām al-jamʿ wa-al-tafrīq*, edited by ʿA. Amīn Qalʿajī (Beirut: Dār al-maʿrifa, 1407), 2:71*; Ibn al-Jawzī, *al-ʿIlal al-mutanāhiyah fī al-aḥādīth al-wāhiyah*, edited Kh. al-Mays (Beirut: Dār al-kutub al-ʿilmīyah, 1403), 2:856*; Ibn Khaldūn, *Ta'rīkh al-ʿallāmah*, edited by ʿA. and Ḥ. al-Zayn (Beirut: Dār al-kutub al-lubnānīyah, 1967–68), 1:557, 1:573.

[35] Traditions not mentioning the father's name can be found in the following sources (an * behind the reference again indicates that the source is cited according to the CD-ROM *al-Maktabah al-alfīyah li-al-sunnah an-nabawīyah*): Ibn Ḥibbān, *Ṣaḥīḥ*, 13:284*; ʿAlī b. Abī Bakr al-Ḥaythamī, *Mawārid al-ẓam'ān*, 464*; at-Tirmidhī, *al-Jāmiʿ al-ṣaḥīḥ*, edited by A.M. Shākir *et al.* (Khulfā': Muḥammad Maḥmūd al-Ḥalabī, 1382/1962–1398/1978), 4:505; Abū Dā'ūd al-Sijistānī, *Sunan*, 4:106; al-Shāshī, *al-Musnad*, 2:110, 111*; al-Ṭabarānī, *al-Muʿjam al-awsaṭ*, 7:54, 8:178 *; al-Ṭabarānī, *al-Muʿjam al-saghīr*, edited by M.Sh. Amrīr (Beirut, Amman: al-Maktab al-islāmī, 1405/1985), 2:289*; al-Ṭabarānī, *al-Muʿjam al-kabīr*, 10:131, 134, 135, 136, 137*; Ibn Ḥanbal, *al-Musnad* (Cairo, 1313), 1:376, 377, 430, 448; Abū Bakr al-Ismāʿīlī, *Muʿjam al-shuyūkh*, edited by Z.M. Manṣūr (Medina: Maktabat al-ʿulūm wa-al-ḥikam, 1410), 2:512, 513*; al-Dānī, *al-Sunan al-wāridah*, 5:1041, 1042, 1046, 1047, 1048, 1050, 1051, 1052*; Nuʿaym b. Ḥammād, *Kitāb al-Fitan*, #1018, #1020; Abū Nuʿaym, *Ḥilyat al-awliyā'*, edited by M.A. al-Khānjī (Beirut: Dār al-kitāb al-ʿarabī, ²1387/1967), 5:75; al-Dhahabī, *Siyar aʿlām al-nubalā'*, edited by Sh. al-Arnā'ūṭ (Beirut:

Since this is obviously an invented tradition, we should not expect a perfect pattern of correspondence between *isnād* and *matn*. Different transmitters may have attempted to change the *isnād*. If our assumption is correct that the tradition was coined in favor of Muḥammad b. ʿAbd Allāh b. al-Ḥasan, some transmitters may have tried to make this connection even more obvious while others may have tried to counter it. However, we hope to be able to detect these versions in a careful analysis.

An *isnād*-analysis alone (i.e. without regarding variants in the *mutūn*) has three key figures standing out: ʿĀṣim b. Abī al-Najjūd (also called ʿĀṣim b. Bahdalah) who seems to be the common link, Fiṭr b. Khalīfah, one of his transmitters, who also relates the tradition on the authority of several other persons, and ʿUbayd Allāh b. Mūsā, who relates the tradition several times on the authority of Fiṭr and of Zāʾidah. The *asānīd* are illustrated in Figure 5. Of the 30 traditions also mentioning the correspondence of the father's name, 22 are traced back through ʿĀṣim b. Bahdalah ← Zirr b. Ḥubaysh ← ʿAbd Allāh b. Masʿūd. All other paths of transmission are considerably less common: Three times the tradition is traced back through Muʿāwiyah b. Qurrah ← Qurrah, two times through Maymūn ← Abū Ṭufayl, and each one time through Fiṭr ← Zirr, Fiṭr ← Abū Isḥāq ← Zirr and Fiṭr ← Ḥabīb ← Abū Ṭufayl ← ʿAlī b. Abī Ṭālib.

To get a clearer picture of this tradition, we should take into account the versions which just state that the name of the Mahdī will be the same as the Prophet's, not mentioning the name of the father. Of these versions—50 all together—43 have the *isnād* ʿĀṣim ← Zirr ← ʿAbd Allāh b. Masʿūd. Two of the versions are traced back through Muʿāwiyah b. Qurrah ← Qurrah, four through Yūsuf b. Ḥawshab ← Abū Bakr al-Aʿwar ← ʿAmr b. Mūsā ← Zirr, and one through Abū Saʿīd al-Khudrī with a defective *isnād*. Judging from the *asānīd*, this tradition can clearly be traced back to ʿĀṣim b. Abī al-Najjūd. No less than 16 persons claim to have heard this tradition from him. The variant, which also mentions the correspondence of the father's name, is traced back to ʿĀṣim by 12 of his students.

Muʾassasat al-risālah, 1402/1982–1405/1985), 11:472; al-Jurjānī, *al-Kāmil fī ḍuʿafāʾ al-rijāl*, 2:86, 5:147, 7:168*; al-Wāsitī, *Taʾrīkh Wāsiṭ*, edited by K. ʿAwād (Beirut: ʿĀlam al-Kutub, 1406), 105*; Ibn al-Jawzī, *al-ʿIlal al-mutanāhiyah*, 2:857*; Ibn Khaldūn, *Taʾrīkh al-ʿallāmah*, 1:557; al-Rāmahurmuzī, *al-Muḥaddith al-fāṣil bayna al-rāwī wa-al-wāʿī*, edited by M. ʿAjāj al-Khaṭīb (Beirut: Dār al-fikr, 1404/1984), 329, 330.

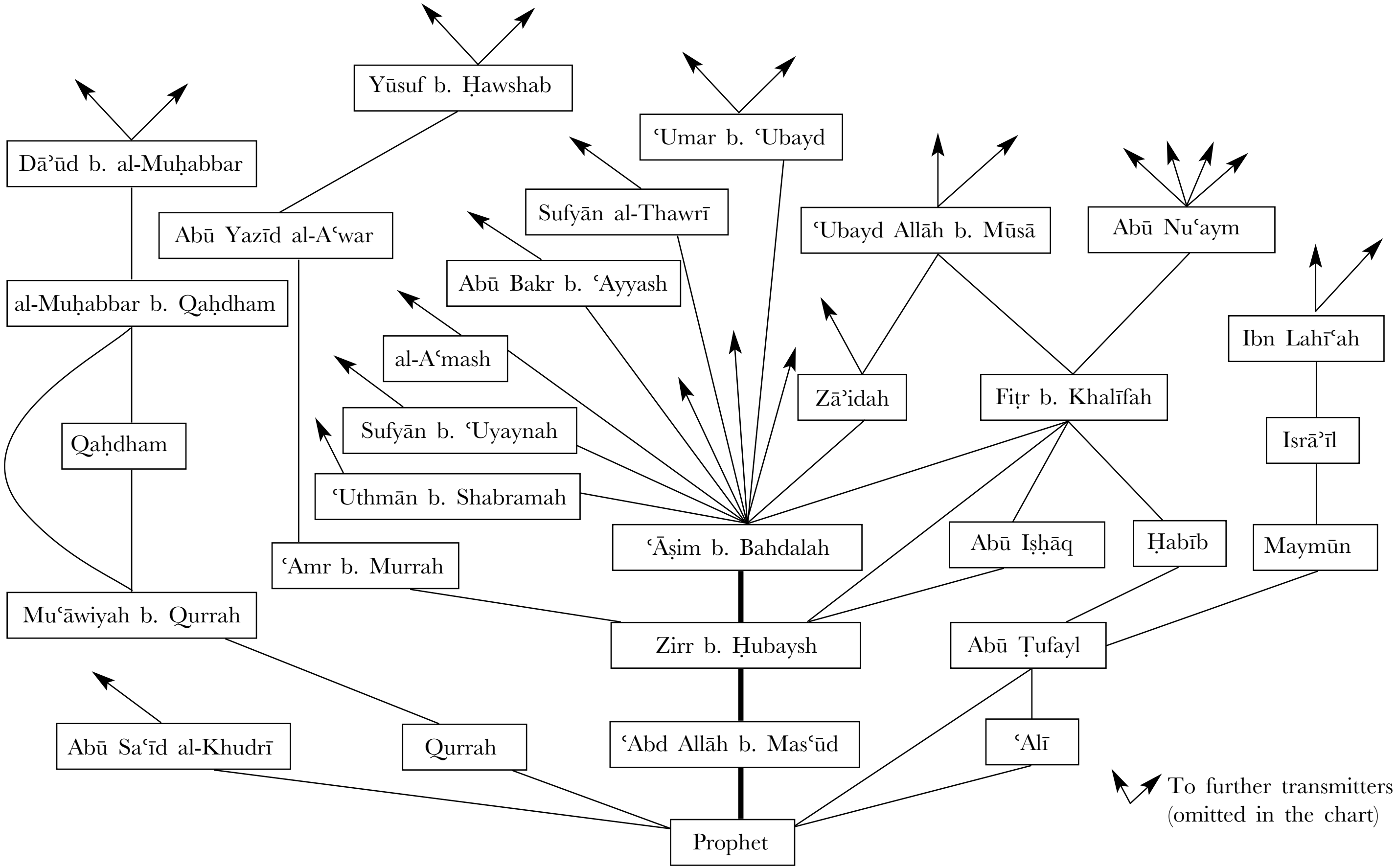

Yūsuf b. Ḥawshab
Dā'ūd b. al-Muḥabbar
ʿUmar b. ʿUbayd
Abū Yazīd al-Aʿwar
Sufyān al-Thawrī
ʿUbayd Allāh b. Mūsā
Abū Nuʿaym
al-Muḥabbar b. Qaḥdham
Abū Bakr b. ʿAyyash
Ibn Lahīʿah
al-Aʿmash
Zā'idah
Fiṭr b. Khalīfah
Sufyān b. ʿUyaynah
Qaḥdham
Isrā'īl
ʿUthmān b. Shabramah
ʿĀṣim b. Bahdalah
Abū Isḥāq
Ḥabīb
Maymūn
ʿAmr b. Murrah
Muʿāwiyah b. Qurrah
Zirr b. Ḥubaysh
Abū Ṭufayl
Abū Saʿīd al-Khudrī
Qurrah
ʿAbd Allāh b. Masʿūd
ʿAlī
To further transmitters
(omitted in the chart)
Prophet

Figure 5

This variant is mostly transmitted via Fiṭr. Almost half of the traditions are related on his authority. Fiṭr and Zāʾidah are the only persons on whose authority *only* versions including the father's name are reported, and Fiṭr is the only one who does not always claim to have heard this tradition from ʿĀṣim but mentions three alternative sources. Other people hearing this tradition from ʿĀṣim are sometimes said to having related variants including the father's name while in other places they are said to have related it without the father's name. Sometimes the differences in wording are mentioned when a combined *isnād* is given.

Two scenarios seem possible: It is obvious that ʿĀṣim is a key figure in the transmission of this tradition; possibly he even invented it. It cannot be established, however, whether he related the tradition only mentioning the *ism* or whether he also related the tradition including the *ism abī-hi*. As 12 transmitters from him include the *ism abī-hi*, it might well be that this version indeed goes back to him. On the other hand, there are four transmitters who do not include this part and most of the transmitters including it are also reported to have related the tradition without this phrase. In any case did Fiṭr obviously emphasize the correspondence of the father's name. The other versions sometimes mentioning the *ism abī-hi* and sometimes not could either be influenced by the version of Fiṭr, or be later reworkings omitting the *ism abī-hi*. The versions going back directly to Zirr b. Ḥubaysh without mentioning ʿĀṣim or to other authorities are too few in number to draw far reaching conclusions. Again, we have Ibn Lahīʿah in one of the other versions that might indicate that we have another incidence of a duplicate tradition from him. All of the versions that mention ʿAmr b. Murrah in the *isnād* are related by Yūsuf b. Ḥawshab who may considered to be responsible for this variant. The versions going back to Qurrah are only related by Dāʾūd b. al-Muḥabbar. Both Yūsuf b. Ḥawshab and Dāʾūd b. al-Muḥabbar lived after ʿĀṣim and most probably reworked either his version or the one spread by Fiṭr and Zāʾidah.

A careful *isnād-cum-matn*-analysis shows that the case is a bit more complicated than it first seemed. There are a couple of differences in the variants, e.g. some traditions begin with the sentence "If there were only one day (or one night) left, a leader will come . . .," others have the phrase "The Hour will not come until a man will rule . . .," or "The world will not vanish until a man will rule. . . ." Although they are different in wording, they all convey the same

meaning. In some variants additional phrases are included, stating e.g. that the Mahdī will rule justly. Now, if we assume a historical transmission after the common link (that is, the *asānīd* indicate the true paths of transmission), we would expect the variants to correspond with the *isnād*. For example, we would assume that the variants traced back through Sufyān b. ʿUyaynah are close to each other in wording, but might be different from the versions traced back through Fiṭr.

But this is only true for a couple of the transmitters. The versions traced back through Zāʾidah, Fiṭr, ʿUthmān b. Shabramah and ʿUmar b. ʿUbayd in general are homogenous. On the other hand, there are rather large variants in the versions of Abū Bakr b. ʿAyyāsh or Sufyān b. ʿUyaynah. In most of the cases we have too few variants to make any secure statements. Coming back to the general considerations we made in the beginning, we would have to conclude that some tampering with the tradition did take place. Some of the *asānīd* do not seem to indicate the true path of transmission. The *isnād-cum-matn*-analysis does not provide us with a very clear pattern. The *isnād*-bundle is not completely consistent. However, it seems still to be consistent enough to allow the following conclusions: Fiṭr and Zāʾidah obviously spread the tradition including the *ism abī-hi* and this tradition most probably already goes back to ʿĀṣim.

Now let us compare the results obtained from the *mutūn*-based dating to those obtained from the *isnād*-based dating. We dated the tradition on the basis of its *matn* to the lifetime of Muḥammad b. ʿAbd Allāh b. al-Ḥasan, that is between 93/711–712 and 145/762. Most probably he was not refered to as the Mahdī as a child, but he was claimed to be the Mahdī before 119/737, so we might reduce the time span to between 110/728–729 and 145/762. On the basis of the *asānīd* we came to the conclusion that most probably ʿĀṣim is responsible for the tradition and that Fiṭr in any case promoted it. ʿĀṣim died in the year 127/744–745, this date fitting perfectly with the *matn-based* dating. Fiṭr is said to have been inclined towards the Shīʿah, he died in 155/772 or 157/773–774.[36] It is likely that the tradition became very popular during the revolt of Muḥammad b. ʿAbd Allāh in 145/762, so we even have a perfect external reason for the prominence of Fiṭr in the *asānīd*. All key figures in the

[36] On Fiṭr b. Khalīfah see Dhahabī, *Siyar*, 7:30–33.

isnād-bundle (ʿĀṣim, Zāʾidah, Fiṭr b. Khalīfah, ʿUbayd Allāh b. Mūsā, Abū Nuʿaym) are Kūfan. Fiṭr b. Khalīfah and ʿUbayd Allāh b. Mūsā were inclined towards the Shīʿah.[37]

Both methods of dating go perfectly together in this case. In a tradition Juynboll studied, also on the basis of a large number of sources and variants, the results were equally encouraging: the *isnād*-based dating corresponded perfectly with the *matn*-based dating.[38] The reasons why Cook came to other results in his study have been made clear.

We can draw conclusions from the above study that ascertain historical facts. These may not be overwhelming, but they may help to get a clearer picture of the circumstances surrounding the revolt of Muḥammad b. ʿAbd Allāh, the Pure Soul: Muḥammad b. ʿAbd Allāh was indeed promoted to be the Mahdī rather early in his career. ʿĀṣim b. Abī al-Najjūd was most probably among those who supported his claim. So was Fiṭr b. Khalīfah, who most probably spread this tradition during the revolt.

IV. *Conclusions*

1) Using the common link as a means for dating traditions is a complex task. Sometimes it might appear to be rather straightforward, but in many cases it is not. Several points have to be taken into consideration in regard to the choice of the sources, changes in the tradition in the course of transmission, topoi, and forgeries.
2) It is possible to distinguish *consistent* traditions from *inconsistent* ones. In *consistent* traditions, variants in the *asānīd* correspond to variants in the respective *mutūn*. In these traditions, the *asānīd* will mostly indicate the true paths of transmission. In *inconsistent* traditions, on the other hand, the *asānīd* do not indicate the true paths of transmission.
3) There are traditions—mostly of the *consistent* type—in which the common link can be used as a means for dating, while in other traditions this is not possible. In many cases it will be possible only with a very careful and detailed study of the variants of a

[37] Dhahabī, *Siyar*, 7:31, 9:554.
[38] G.H.A. Juynboll, *Muslim Tradition. Studies in Chronology, Provenance and Authorship of early Hadith* (Cambridge: Cambridge University Press 1983), 207–213.

tradition in which false ascriptions, duplicate traditions etc. can be detected (on the basis of an *isnād-cum-matn*-analysis).

4) The fact, that in *inconsistent* traditions the *asānīd* do not indicate the true paths of transmission, does not mean that these traditions have to be late or have to be forgeries. The only acceptable conclusion is that the *asānīd* are not reliable in this case.
5) The existence of traditions in which the *asānīd* are not reliable does *not* mean, however, that *asānīd* cannot be trusted at all. Some patterns, namely those of *consistent* traditions, can only be explained by assuming that the transmission indeed took place along the paths indicated by the *asānīd*. The pattern of an *isnād*-bundle and the variants in the *matn* indicate whether an *isnād* is reliable or not.
6) Eschatological traditions are a good (and in fact most probably the only) way, to test the methods of *isnād*-based dating and *matn*-based dating against each other. However, two things have to be borne in mind. On the one hand, eschatological traditions have very likely undergone a process of redaction, reshaping, and adaptation—which may make the *matn*-based dating difficult. On the other hand, those eschatological traditions that can be dated on the basis of their *mutūn* are invented traditions. As such they are less likely to form the pattern of a *consistent* tradition, which causes difficulties for the *isnād*-based dating. This means while eschatological traditions can be dated (though with some difficulty) on the basis of their *mutūn*, they are—in comparison to other traditions—rather unsuitable for dating on the basis of their *asānīd*.
7) This method of distinguishing *consistent* traditions from *inconsistent* ones excludes several traditions from a study of their provenance on the basis of their *asānīd*. On the other hand, it provides a powerful means for dating *consistent* traditions on that basis. Since this method proved to be successful with eschatological traditions (which tend to be problematic due to their nature), it can be assumed that it will produce much better results when applied to less problematic (i.e. juristic or historical) traditions.

C. QUR'ĀN AND *TAFSĪR*

THE QUESTION OF THE AUTHENTICITY OF MUSLIM TRADITIONS RECONSIDERED: A REVIEW ARTICLE[1]

Harald Motzki

Since Western scholars venture to fathom the origins of Islam, they are confronted with the question of whether or to what degree the Muslim traditions about the prophet Muhammad and the first generations of Muslims are historically reliable. The first specialists in the field showed much trust in the Muslim traditions but since the second half of the nineteenth century there has been increasing skepticism about the reliability of Muslim traditions. The dispute that developed in Western scholarship on this issue was dominated by the skeptics. Contributions by scholars like Goldziher, Schacht, Wansbrough, Crone, Cook and Calder regularly caused a stir when they were published and had a lasting influence on the discussion.

The increasing Western skepticism contrasted sharply with most Muslim scholars' confidence in and sometimes even reverence for their tradition, which they tried to defend against any encroachments. Yet there were also non-Muslim Western scholars who reacted against the skeptics' positions. Names like Fück, Kister, van Ess, Muranyi, Schoeler and Motzki represent such reactions. The dispute between the skeptics and their critics has become very lively again during the last two decades and the situation has reached a stalemate. Neither side can convince the other.

In his book *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period*, Herbert Berg retraces the dispute between the skeptics and their critics and tries to show a way out of the dilemma. He claims to have conclusive proof supporting the skeptics who assume that the traditions about the first Islamic century were only produced at the end of the second/eighth century and that they therefore have no value as historical sources for the time to which they refer.[2] Berg's claim, if correct, would have

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[1] I wish to thank Mrs. Vivien Reid for carefully revising my English text.

[2] Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Richmond, Surrey: Curzon, 2000), 228–229.

grave consequences for current and future research on early Islam. This is sufficient reason to take a close look at his study.

Berg's book is well written. His arguments are clear. The experiment to evaluate the *isnād*s of exegetical traditions ascribed to Ibn ʿAbbās is ingenious from a methodological point of view. In short, it is a valuable piece of scholarship.[3] However, I am not convinced by the study. I could it leave it at that, but this helps neither the author nor the readers of the book. Scholarship needs dispute in order to develop. It is necessary to make clear what is unconvincing and for what reason. Scholarly criticism is not to be taken personally. This must be borne in mind when reading the following review, which only ventures to explain why the study does not convince me. This review does not deal with the study's merits or with the points with which I agree.

I. Ḥadīth *Criticism*

The first chapter of the book gives a résumé of *ḥadīth* studies in the West. Berg classifies scholars into three categories according to the measure of skepticism they show about the *ḥadīth* in general and the *isnād* in particular. He concludes, however, that "there are in reality only two positions": on one side are the skeptical scholars who think that "the *isnād* is of very limited historical value" at best, and on the other side are the "Muslim scholars and the less skeptical (suspicious?) Western scholars" whom he sometimes refers to as the "more sanguine scholars" who "view the *isnād* as historically useful."[4] There is, according to the author, no middle ground between the two positions. Furthermore, Berg claims that scholars from each position put forward circular arguments and can therefore only convince other scholars who share their own assumptions.[5]

Berg's classification and his description of the different positions that scholars hold on the reliability of *ḥadīth*s and *isnād*s have several shortcomings. The different categories of his classification are not clearly defined. In some cases it is questionable whether a scholar

[3] See my short review of the book in *Wiener Zeitschrift für die Kunde des Morgenlandes* 91 (2001): 457–461.
[4] Berg, *The Development of Exegesis*, 49.
[5] Berg, *The Development of Exegesis*, 50.

belongs to the category into which he is put. In other cases Berg argues against a scholar's opinions using statements, which he considers as evident, proven or generally accepted but which are not. At times Berg misses a scholar's point; at other times he relies only on a part of a scholar's work and ignores the rest; some scholars' arguments are distorted or generalised to a degree that the scholars did not intend. On the whole, one gets the impression that Berg's account of the scholars' positions is not unbiased. I shall give examples of all these shortcomings in the order of their occurrence in the book and I shall argue that Berg's dichotomy between skeptical and non-skeptical scholars is illogical and epistemologically pointless.

The paragraphs into which the first chapter is divided show that Berg's first step is to classify the scholars as skeptics, non-skeptics and searchers for a middle ground.[6] Since he does not give clear definitions of what these labels mean, the classification of some scholars is questionable. Goldziher, for example, is considered a skeptic although he admitted the possibility of authentic *ḥadīth*s and used biographical traditions to make historical statements about individuals of the first century. Schacht is labeled a skeptic although he admits that the *isnād*s can be used for dating traditions (into the first half of the second century, at least). However, according to Berg, such opinions are characteristic of the non-skeptics. Stetter is grouped among the skeptics because his findings can be interpreted as being skeptical yet, as will be argued below, it is doubtful whether he really is a skeptic. The classification looks arbitrary and is, at the very least, inconsistent.

When summarizing the positions of scholars, Berg sometimes does not interpret them as the scholars intended. Stetter, for example, is classified as an "early western skeptic" because he showed that the *ḥadīth*s contain *topoi* and *schemata*. Berg claims that "his observations about the presence of these narrative motifs certainly raise questions about the authenticity or, at the very least, the reliability of the *ḥadīth* literature,"[7] a conclusion which Stetter himself did not draw, and which is not as certain as Berg maintains. The use of *topoi* and *schemata* can also be part of the narrative technique and does not

[6] The paragraphs are: "Traditional Sunni Muslim Account," "Early Western Scepticism," "Reaction Against Scepticism," "The Search for Middle Ground," and "Renewed Scepticism."

[7] Berg, *The Development of Exegesis*, 17.

necessarily prove that the content of the texts is fabricated. Berg concludes his discussion of Goldziher, Schacht und Stetter by stating: "The very piece of evidence that is meant to guarantee genuineness of the *matn*, the *isnād*, is being summarily dismissed as fabrication."[8] This applies only to Goldziher and not to Schacht, who summarily dismissed only a certain part of the *isnād* as fictitious, and not to Stetter. The latter did not deal with *isnād*s, it is true, but he considered the study of "tradents" and "redactors" an important subject for further study, which should "try to bring more certainty concerning the issue of the authenticity of particular traditions."[9] This is not the position of a skeptic as seen by Berg. Stetter's study focused only on the *matn*s. This, rather than a conviction that the *isnād*s were unreliable, led him to ignore them. To suggest that he is as skeptic, a "doubter," of the kind that Goldziher and Schacht were, is unwarranted.

Here and there Berg argues against scholars on the basis of statements which he seems to consider as evident, proven or generally accepted but which are not. For example, when evaluating the arguments of the non-skeptic "reactionaries" he says: "The arguments of Abbott, Sezgin, and Azami rely on biographical materials that were produced symbiotically with the *isnād*s they seek to defend. These sources are not independent."[10] However, Berg's claim that the biographical materials were produced symbiotically with the *isnād*s and that the two sources are not independent has not been substantiated by him or anyone else until now and it is certainly questionable in its generalization. Is every sort of biographical information dependent on the *isnād*s?

G.H.A. Juynboll is labeled as someone who searches for a middle ground. This judgment is based mainly on his *Muslim Tradition*, Juynboll's early work on *ḥadīth*.[11] However, based on his later studies in which he developed his ideas further, Juynboll has the same right to be grouped among the skeptics as Goldziher and Schacht. Like the latter, Juynboll considers the common link, the earliest trans-

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[8] Berg, *The Development of Exegesis*, 17.
[9] Eckart Stetter, *Topoi und Schemata im Ḥadīṯ* (Ph.D. dissertation, Tübingen, 1965), 124.
[10] Berg, *The Development of Exegesis*, 26.
[11] G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early ḥadīth* (Cambridge: Cambridge University Press, 1983).

mitter common to all *isnād* strands of a tradition, as author and fabricator of the text (*matn*) and of the single strand *isnād* with which the common link refers to earlier authorities. Furthermore, in claiming that single strand *isnād*s are generally unhistorical and may even have been fabricated by the later collector in whose work they appear,[12] Juynboll is even more skeptical than Schacht. On the other hand Juynboll admits that in historical traditions an inverted common link is probably not a fabricator but someone who received at least the gist of his tradition from his informants.[13] This is sanguine in Berg's view but qualitatively no different from, albeit more sophisticated, than Goldziher's opinion that some *ḥadīth*s are likely to be authentic, an opinion based merely on a diffuse "closer acquaintance with the vast stock of *ḥadīth*s."[14]

Diagram 3 of Berg's book, which illustrates Juynboll's concept of the common link, is also not Juynboll's last word on the matter. According to his more recent ideas, a real common link is characterized by partial common links consisting of at least *three* transmitters, not two, on all levels of transmission until the level of the collectors.[15] By demanding such a high standard of proof before he can accept that something that is purportedly a common link really is a common link, Juynboll shows that he is more skeptical than Schacht in respect of the common links. Yet, despite this, Berg does not put Juynboll in the same category as Goldziher and Schacht. This is inconsistent.

Some of Berg's objections to scholars' conclusions are curious. He writes, for example, about Juynboll's spider concept: "There is one major problem with the conclusions Juynboll draws from the spider pattern. If a report from the Prophet were in fact genuine and faithfully transmitted, its transmission pattern might well resemble the spider pattern. Clearly, one's assumptions on the nature of *isnād*s can dictate how one interprets this pattern."[16] This objection makes no sense. It is just Juynboll's claim that *if* a report was genuine and

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[12] Compare Juynboll, "Nāfiʿ, the *mawlā* of Ibn ʿUmar, and his Position in Muslim *ḥadīth* Literature," *Der Islam* 70 (1993): 207–244, esp. 212.

[13] Juynboll, "Early Islamic Society as Reflected in its Use of *isnād*s," *Le Muséon* 107 (1994): 151–194, esp. 179–185.

[14] Berg, *The Development of Exegesis*, 12.

[15] Compare Juynboll, "Nāfiʿ," 211 and 214.

[16] Berg, *The Development of Exegesis*, 31.

faithfully transmitted, it probably will *not* resemble the spider pattern. This hypothesis does not assume that *isnād*s reflect either real transmissions or fabrications, but that they can be the result of both. This is what Berg himself assumes as a hypothesis in his experiment about the exegetical traditions ascribed to Ibn ʿAbbās.[17]

Juynboll's view is based on his premise that genuine transmission means that someone generally transmits not to one but to several individuals. Transmission lines which suggest that a *ḥadīth* was transmitted by someone to only *one* other person and that this form of transmission continued through generations are therefore suspicious according to Juynboll. His premise about how genuine transmission should be reflected in the *isnād*s is qualitatively no different from the premise that Berg takes for granted in his experiment. Berg argues: If the Ibn ʿAbbās traditions in al-Ṭabarī's *Tafsīr* are authentic, then his stylistic fingerprint must be reflected in the transmissions going back to him; otherwise the *isnād*s are false.[18] This also presupposes a premise about how genuine transmission should be reflected in the *isnād*s. Furthermore, Juynboll's conclusion that spidery *isnād* bundles are suspicious and cannot be assumed to be historical for methodological reasons (even if the possibility cannot be excluded that new source material can lead to a revision of such a judgment in individual cases) is skeptical according to Berg's own standards. His objection to Juynboll is therefore unwarranted. This example shows that evaluating the theories of others is not an easy task and that there is a constant danger that one's own presuppositions will lead one to apply double standards.

Berg's bias in summarizing scholars' ideas is most obvious in his depiction of my own research. After reading the paragraph "H. Motzki and the Implausibility of Fabrication," a reader is no wiser than before. The description is largely technical and fails to give my arguments. One reason for the unclear picture that Berg gives of my studies may be that he does not use my detailed study *Die Anfänge der islamischen Jurisprudenz*.[19] Instead, he bases his account mainly on

[17] Compare Berg, *The Development of Exegesis*, 120.

[18] Berg, *The Development of Exegesis*, 120.

[19] Harald Motzki, *Die Anfänge der islamischen Jurisprudenz: Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts* (Stuttgart: Steiner, 1991). An English edition is now available under the title *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools* (Leiden: E.J. Brill, 2002).

the article "The *Muṣannaf* of ʿAbd al-Razzāq," which only deals with a tiny fraction of the book and only very briefly summarizes my method.[20] Berg's summary of my summary shows how much variation can be the result of a transmission process even among modern scholars. Since it would be awkward to quote Berg's statements in order to comment on them one by one, I shall give a short new summary, which also includes the reasons for my approach and makes comparisons with Berg's own study of al-Ṭabarī's *Tafsīr*.

There is a compilation of traditions called *Muṣannaf* ascribed to ʿAbd al-Razzāq al-Ṣanʿānī (d. 211/826). Although the compilation in the form now extant is composite because different *riwāyah*s are combined in it, I argued that the material contained in the compilation really goes back to ʿAbd al-Razzāq. This is what the *riwāyah*s indicate. A glance at Berg's own assumptions in his study of al-Ṭabarī's *Tafsīr* shows that he uses the same argument. He assumes that the material contained in the *Tafsīr* ascribed to al-Ṭabarī does for the most part really go back to him. This conclusion is not further substantiated but is based solely on the *riwāyah*s, i.e. *isnād*s, of the work.

There are more than 21,000 traditions contained in the *Muṣannaf*. The large number of texts generally provided with *isnād*s and circulated by one and the same person, ʿAbd al-Razzāq, is an ideal basis to check whether he himself fabricated these traditions or not. The fabrication of such diverse and partly contradictory material by one and the same scholar is out of the question. And some of the material can also be found in earlier and contemporary sources. It was thus necessary to check the hypothesis whether ʿAbd al-Razzāq may have ascribed doctrines or other material current in his time to earlier authorities, that is, whether he might have fabricated the *isnād*s. To test this hypothesis, the *isnād*s of the *Muṣannaf* had to be analyzed. This hypothesis also applies in the case of al-Ṭabarī's *Tafsīr*. A real skeptic would argue that it is possible that al-Ṭabarī himself fabricated the *isnād*s contained in his *Tafsīr*. An analysis of this

[20] In note 119 Berg says that my arguments were first put forward in two articles, of which he only mentions "The *Muṣannaf*" article, but that "they can also be found in greater detail but with a slightly different emphasis in" my book *Die Anfänge*. Yet it is correct that all three publications appeared in the same year. The book was of course written first. What Berg calls "slightly different emphasis" is only due to the reduced and summarizing character of the articles.

question would appear to be a prerequisite before a skeptic could use the *Tafsīr*. Berg, who sides with the skeptics, spares himself such an examination.

The first step of my *isnād* analysis, aimed at solving the problem mentioned above, consisted of an examination of the individuals named by ʿAbd al-Razzāq as his informants. To avoid ascription in the manner of Sezgin, i.e. accepting the names given as real informants (as Berg does in the case of al-Ṭabarī's informants), I looked for indications in the *isnād*s and the *matn*s that could show whether the names given by ʿAbd al-Razzāq were real informants or not. This does not mean that I proceeded from the assumption that *isnād*s always reflect real transmissions. My assumption was that both can theoretically be possible. This is also assumed by Berg in his experiment.

I found that the distribution of material among the names given by ʿAbd al-Razzāq as his informants is very peculiar. More than 83% of the material is ascribed to only three persons, 4% to a fourth and the rest to a hundred names. That means that a large number of texts are ascribed to only a few informants and only a few texts are ascribed to a large number of informants. Among the latter are famous scholars such as Mālik and Abū Ḥanīfah. How to interpret this peculiar distribution? It cannot be the result of chance. The distribution could either mean that ʿAbd al-Razzāq deliberately ascribed texts available to him to only a few persons or that he really received the bulk of his material from only three persons. If he falsely ascribed his material to his informants on purpose, we may ask why so many traditions were ascribed to only three persons (Maʿmar living in Yemen; Ibn Jurayj of Mecca; and Sufyān al-Thawrī, originally from Kūfah). Why did he ascribe a minor part to only one person (Sufyān b. ʿUyaynah, also a Meccan) and very few texts to so many others?

In order to decide whether ascription or transmission is the most probable assumption, I examined the material ascribed to the four major informants more closely. I chose them because the large amount of material ascribed to them was more likely to lead to valid conclusions. I found that the materials ascribed by ʿAbd al-Razzāq to each of the four major informants, whom I called "sources," show formal peculiarities in their *isnād*s that give each of the "sources" an individual profile. Such formal peculiarities are, for example: a different number of major and minor informants, different quantities of anonymous material, and different numbers of ʿAbd al-Razzāq's infor-

mants' own opinions. How are the individual profiles to be explained? Are they the result of deliberate forgery of *isnād*s by ʿAbd al-Razzāq? I dismissed this possibility as improbable. Other peculiarities of ʿAbd al-Razzāq's "transmission" from his four major "sources" corroborate this judgment, for instance, doubts sometimes expressed about his real informant for a text, or indirect transmission from one of his major informants from whom he generally transmits directly.

If the material is obviously not fictitiously ascribed by ʿAbd al-Razzāq to his main informants, we may conclude that he really received it from them. ʿAbd al-Razzāq's main informants must be considered his real sources.[21] This is very different from the conclusion that Berg attributes to me, namely "that ʿAbd al-Razzāq did not forge *ḥadīth*s."[22] My conclusion is not general. It applies only to the *isnād*s, not to the *matn*s, and only to ʿAbd al-Razzāq's main informants, not to the other informants.

The method used to determine the quality of ʿAbd al-Razzāq's main sources can be applied to these sources as well. One may ask whether the material ascribed by ʿAbd al-Razzāq's main informants to their informants really was received from them or whether it was fictitiously ascribed to them. In my book I studied this issue for Ibn Jurayj (d. 150/767), ʿAbd al-Razzāq's Meccan source. It is striking that nearly 40% of his material is ascribed to only one person, ʿAṭāʾ b. Abī Rabāḥ (d. 115/733), 25% to five other names and that the rest is divided among a hundred names. Berg renders this as "an uneven and sporadic use of many earlier authorities."[23] How can we explain the striking differences between the material ascribed to ʿAṭāʾ and that ascribed to other important informants of Ibn Jurayj? The differences pertain not only to the number of texts but also to the genre of texts and to *isnād* peculiarities, all of which give an individual profile to the materials ascribed by Ibn Jurayj to his main informants. My conclusion was the same as in the case of ʿAbd al-Razzāq: Deliberate fictitious ascription of the material to the main informants is unlikely. It is more probable that the persons named by Ibn Jurayj are his real informants, i.e. he received the materials

[21] Compare Motzki, *Die Anfänge*, 56–59 [*Origins*, 58–62].
[22] Berg, *The Development of Exegesis*, 36.
[23] Berg, *The Development of Exegesis*, 36.

from them. Berg, however, has me conclude that the indications mentioned "belie the assumption that Ibn Jurayj forged *ḥadīth*s,"[24] which is, again, an incorrect generalization of my conclusion.

To check my aforementioned conclusion, I investigated the material that Ibn Jurayj ascribes to his main informants in more detail. The texts ascribed by Ibn Jurayj to his two main informants, ʿAṭāʾ and ʿAmr b. Dīnār, are particularly suited for such an analysis because of the large number of texts available. I tried to find out whether they were real informants of Ibn Jurayj or not. The evidence which I found and which I classified as "extrinsic" and "intrinsic" again favors the conclusion that they are real rather than fictitious informants. The aim of looking for this sort of evidence was, in the first instance, to decide the issue of the informants and not, as Berg writes, to find "evidence against Schacht's theory of the systematic backwards growth of *isnād*s."[25] Berg also omits my statement that I do not dismiss Schacht's theory of backwards growth of *isnād*s, although I reject its generalization. In my article "The *Muṣannaf*" I put it as follows: ". . . the mere fact that *aḥādīth* and *asānīd* were forged must not lead us to conclude that all of them are fictitious or that the genuine and the spurious cannot be distinguished with some degree of certainty."[26]

Berg also distorts my conclusions drawn from an analysis of the material that Ibn Jurayj transmits from ʿAṭāʾ. I did not conclude from the fact that ʿAṭāʾ primarily taught his *raʾy* "that he either did not rely on *ḥadīth*s or that he did not know many *ḥadīth*s (perhaps because during his time few were in circulation)."[27] On the contrary, I concluded that he knew more *ḥadīth*s than he used to quote. I argued that he did not refer to them more often because at his time or, more precisely, for him personally, it was not yet necessary to back up his *raʾy* by citing sources.[28] My argument concerning the

24 Berg, *The Development of Exegesis*, 36.
25 Berg, *The Development of Exegesis*, 37.
26 Motzki, "The *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī as a Source of Authentic *aḥādīth* of the First Islamic Century," *Journal of Near Eastern Studies* 50 (1991): 1–21, esp. 9.
27 Berg, *The Development of Exegesis*, 37.
28 See Motzki, *Die Anfänge*, 97–98, 108, and 127 [*Origins*, 107, 118–119, and 139–140]. In "The *Muṣannaf*," 13, I say explicitly: "The conclusion that there were in his time only a small number of traditions or that he did not know more than that, would, however, be incorrect and can be easily disproved by the texts."

dating of the Prophetic *ḥadīth* "*al-walad li-al-firāsh*" is completely incomprehensible in Berg's summary because he writes that "ʿAbd al-Razzāq knew the *ḥadīth*"[29] instead of "ʿAṭāʾ b. Abī Rabāḥ knew the *ḥadīth*."

In his summary of my article "Der Fiqh des Zuhrī" Berg presents my conclusion as if it were a general statement, but it is not. He writes: "Motzki sees in these results strong evidence for trusting the *ḥadīth*s that end in al-Zuhrī."[30] However, I did not conclude that all *ḥadīth*s that have al-Zuhrī as transmitter or which have *isnād*s ending with him should be trusted. Rather, I concluded that the al-Zuhrī texts transmitted by Maʿmar and Ibn Jurayj in the *Muṣannaf* and by Mālik in the *Muwaṭṭaʾ* are useful sources to reconstruct his teaching on legal subjects (legal traditions included) because these three sources contain many parallels.

The generalizing of my conclusions continues in Berg's final evaluation of my research. It is not correct that I argue that "at least in the case of the *Muṣannaf* of ʿAbd al-Razzāq, . . . both the *matn*s and the *isnād*s which support them can largely be trusted."[31] This statement should be limited firstly to the *isnād*s and secondly to the *isnād*s of the sources studied in my book and articles; it does not apply to the *isnād*s of the whole *Muṣannaf*. Berg concludes that "Motzki's comparison on the basis of *isnād*s seem to preclude systematic fabrication. But it is precisely the *isnād*s that skeptics would say have been fabricated and should not be the basis of any comparison."[32] This suggests that I generally preclude systematic or systemic fabrication. But this is not the case. I only argue that the material contained in the *Muṣannaf* and studied in my book and the two articles is not likely to be the result of such a fabrication.

The different examples dealt with above show that the research of those scholars whom Berg does not recognize as skeptics is not always presented accurately. Although he certainly tries to be neutral, it is obvious that his sympathy is on the side of the skeptics. That occasionally blinds him when summarizing the works of other scholars. His description is sometimes superficial and fails to grasp the real argument of the scholar in question. Readers, particularly

[29] Berg, *The Development of Exegesis*, 37.
[30] Berg, *The Development of Exegesis*, 37.
[31] Berg, *The Development of Exegesis*, 38.
[32] Berg, *The Development of Exegesis*, 38.

students, must be warned that reading Berg's summaries is no substitute for reading the publications in question themselves.

It is also clear where Berg's sympathies lie in his presentation of the scholars classified under the label "renewed skepticism." Here I miss the critical reserve, which he shows in his review of other scholars. He concludes, for example, that Cook and Calder press the skepticism of Schacht and Goldziher "to its logical conclusion: if one doubts the *isnād* system, then one has to doubt all the early texts which employ them to authenticate themselves."[33] Berg obviously agrees with them. He fails to emphasize, however, that the objections of both scholars against the use of *isnād*s for dating purposes are merely "scenarios," i.e. speculations about how *isnād*s could have been forged so that they appear as they do, for example having common links.

In his presentation of Cook's theory on the "spread of *isnād*s"[34] Berg frequently uses the subjunctive or the words "hypothetically speaking," it is true, and he also restricts his conclusion that "this scenario [. . .] undermines any attempt to use *isnād*s" with Cook's reservation, "if it was practiced on a large scale."[35] The critical reader expects a remark here as to whether it has been proven that the condition was fulfilled, i.e. whether the large-scale practice of Cook's scenario on all levels of the *isnād*s has been demonstrated yet. As far as I know, there is still no such proof.[36]

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[33] Berg, *The Development of Exegesis*, 48.

[34] See Michael Cook, *Early Muslim Dogma: A Source-Critical Study* (Cambridge: Cambridge University Press, 1981), 107–116. Cook's theory is a reaction to the methods used by J. van Ess in his book *Zwischen Ḥadīṯ und Theologie. Studien zum Entstehen prädestinatianischer Überlieferungen* (Berlin: de Gruyter, 1975). Because of its methods this study would have been worth being discussed by Berg.

[35] Berg, *The Development of Exegesis*, 44. When illustrating Cook's argument against the common link Berg replaced the letters of Cook's diagrams by real names. The results are *isnād*s that either do not occur in reality or would be dismissed as forgeries or at least as unreliable transmissions by *isnād* experts. In diagram 6 (Berg, *The Development of Exegesis*, 43), the link Ibn Jubayr—Ibn Jurayj is only theoretically possible, but in all probability does not occur in practice; in diagram 7, the link Ibn ʿAbbās—Ibn Jurayj is impossible because of the age difference. If it occurs in practice—and it does in al-Ṭabarī's *Tafsīr*—scholars well acquainted with the phenomenon of common links would not conclude on the basis of these *isnād*s that Ibn ʿAbbās is a common link.

[36] Cook himself demonstrated convincingly, it is true, that in a few cases Schacht's common link concept does not produce a reliable dating. See Cook, "Eschatology and the Dating of Traditions," *Princeton Papers in Near Eastern Studies* 1 (1992): 23–47. However, this result does not mean that the common link is generally unusable for dating purposes, but only that Schacht's common link concept does not always work

When presenting Calder's "understanding of the process that produced written texts and the material, including the *ḥadīth*s, contained therein,"[37] Berg also fails to note that Calder's statements are only claims, not proven facts. Calder's claim that the terms *ḥaddatha* and *qāla* attest to significant oral activity[38] is no different in quality from Sezgin's claim that the same terms attest to significant written activity. It is simply ascription. Calder's opinion, mentioned by Berg, that "in the third century there was a shift from a predominantly oral milieu to a written one" is likewise simply a claim that has not been proven. Calder's scenario to explain the phenomenon of common links in *isnād*s is, like Cook's, only a theoretical model that tries to explain the common link. Unlike Cook, Calder obviously does not see any difference between possibility and reality and he claims that the dispute that produced the common links "took place in the second half of the third century. It was during this period that all of these *isnād*s were discovered (or invented)."[39] Here, too, Berg fails to mention that Calder did not prove all this. The groups that are said to have produced the different *isnād*s are not identified and the dating is not substantiated. Calder's scenario is hypothetical to such a degree that one wonders whether it can be verified at all. What is the value of such a theory for scholarly research?[40]

In view of these reservations about the theories of the "new skeptics," it is wishful thinking rather than a statement of facts when Berg says that "Cook and Calder [. . .] have 'destroyed' the very information Juynboll and Motzki seek to create by gleaning the *isnād*s" and that "the patterns in *isnād*s from which Juynboll and Motzki seek to extract historical information" "reveal only that no historical information can be reliably found in that particular nexus of *isnād*s."[41]

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properly. There are other concepts of the common link phenomenon not included in Cook's study. Compare Motzki, "*Quo vadis Hadiṯ*-Forschung?—Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the *mawlā* of Ibn ʿUmar, and his Position in Muslim *ḥadīth* Literature'," *Der Islam* 73 (1996): 40–80 and 193–231.

[37] Based on Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993).

[38] Berg, *The Development of Exegesis*, 45.

[39] Berg, *The Development of Exegesis*, 48.

[40] For more critical remarks on Calder's *isnād* theory see Motzki, "The Prophet and the Cat: on Dating Mālik's *Muwaṭṭaʾ* and Legal Traditions," *Jerusalem Studies in Arabic and Islam* 22 (1998): 18–83, esp. 36–40.

[41] Berg, *The Development of Exegesis*, 49.

In concluding his review of the authenticity debate Berg posits that "despite all the attempts to find middle ground, there are in reality only two positions":[42] skeptics or non-skeptics. The choice is between Goldziher and Sezgin, and no middle ground between them is possible. This conclusion is not convincing. It results mainly from his imprecise definition of the two positions. Berg defines the two categories by the assumptions of the scholars in question. According to him, skeptics are scholars who hold that *ḥadīth*s and *isnād*s must be presumed historically unreliable; non-skeptics are those who hold the contrary. The methods used by the scholars are obviously not important for Berg's classification, since representatives using the same methods, for example *matn* analysis, are found in both camps. A logical position between the two presumptions would be that both may be possible: *ḥadith*s and *isnād*s can be both reliable and unreliable.

In order to circumvent the possibility of such a position Berg adds a second criterion of categorization that is logically superfluous: the scholars' conclusions. He argues: skeptical assumptions lead to skeptical conclusions and non-skeptical assumptions lead to non-skeptical conclusions. This is also the reason why he thinks that the arguments of both camps are circular. Berg, then, "destroys" the middle position with the following double argument: (1) If the conclusions of scholars are non-skeptical, then they belong to the non-skeptics because they cannot have reached such conclusions without implicitly holding the assumptions of the non-skeptics.[43] (2) If the conclusions of scholars are skeptical, they belong to the skeptics because they cannot have reached such conclusions without implicitly holding the assumptions of the skeptics. However, such reasoning is not valid.

The logical invalidity of Berg's reasoning aside, his scenario does not properly reflect the reality of research, which is not as undifferentiated as he assumes. In order to demonstrate this, I shall describe the procedure of a scholar who operates between the two extremes and who starts from 'the middle ground', i.e. the assumption that

[42] Berg, *The Development of Exegesis*, 49.

[43] For example Berg, *The Development of Exegesis*, 42: "However, their final conclusions [i.e. of the scholars seeking middle ground] largely resemble those of sanguine scholars, such as Sezgin and Abbott. This is not too surprising. Most of the arguments are based on similar assumptions. . . . Since they start with the same assumptions, they reach the same conclusions—though tempered somewhat."

we do not know whether certain *ḥadīth*s and *isnād*s are historically reliable or not. In order to find out what they are he studies them, tentatively using the hypothesis that traditions can be both real transmissions and fabricated, and he will endeavor to verify this hypothesis. On the basis of the material being studied, our scholar then formulates his conclusions. He can conclude (a) that the most probable explanation of the material studied is that it is fictitious, (b) that it is reliable, or (c) that part of it is reliable and part of it is not. If he reaches conclusion (a) he will, in his next examination of *ḥadīth* material, proceed from a working hypothesis which corresponds to his previous result and he will check whether his hypothesis has been corroborated or not. If it has been corroborated he will go further with his hypothesis and his confidence in it will increase. If he is a cautious scholar he will postpone a definite conclusion on the material as a whole until he has studied enough of it to justify his conclusion.

If, in his second study, our scholar reaches a conclusion that is the opposite of his first one, he will revise his working hypothesis and next time he will again check both hypotheses, the one corroborated by his first study and the other corroborated by his second study (as he would have done if he had reached conclusion c in his first study). Circular reasoning can be avoided using this procedure. It shows that it is wrong to assume a scholar always uses the same working hypothesis.

This scenario may sound hypothetical, but it is a common procedure in academic research and there are scholars of the middle ground who proceed in this manner. In principle Berg himself uses this approach for his own study. I described it to show that the conclusions reached by a scholar are not necessarily determined by his assumptions. A categorization of scholars based on their assumptions must therefore not be mixed with or derived from their conclusions. This leaves us with the question of whether a categorization of scholars *according to their assumptions* is useful at all. It seems to me that it serves more a social function in scholarship. Structuralists can perhaps make sense of it. Epistemologically, however, such a categorization is not fruitful. It would be more meaningful to classify scholars only according to their results. It would be more differentiated and it would also allow for a middle ground.

II. *Exegetical* Ḥadīth*s and the Origins of* Tafsīr

In this chapter Berg focuses on the research on exegetical traditions. It also includes an excursus on historical *ḥadīth*s. The author classifies the scholars he discusses as advocates of the reliability of *isnād*s, skeptics, and those who look for a middle ground. In his evaluation of their studies he again ultimately reduces the scholars to two extremes that are, in his view, "internally consistent."[44] Here, again, he does not see the possibility of a middle ground.

Berg's presentation of scholarship in this chapter is marred by the same problems we encountered in the preceding one. Therefore only one example will be discussed: Berg's review of G. Stauth's dissertation *Die Überlieferung des Korankommentars Muǧāhid b. Ǧabrs.*[45] Berg classifies Stauth among the non-skeptics because he applies Sezgin's method of *isnād* analysis to the field of exegetical traditions, concluding from the investigation of the *isnād*s and their corresponding *matn*s that the *isnād*s of the material under study are not fictive.[46] For Berg, this is a circular argument.[47] However, Stauth's comparison of the exegetical traditions of al-Ṭabarī and others does not, in principle, differ from what Berg is doing in his experiment. Stauth collected traditions going back to Mujāhid on the basis of the *isnād*s. He then chose the transmission lines of certain informants of al-Ṭabarī, which go back to certain pupils of Mujāhid. Berg does the same for the traditions going back to Ibn ʿAbbās. This method, therefore, does not necessarily mean that one "accords, in the manner of Sezgin, . . . trust in the *isnād*s."[48] Berg claims for his own analysis: "It is necessary . . . to tentatively assume the veracity of this information [i.e. the *isnād*s, H.M.] in order to compare the stylistic profiles of the tradents who transmit *ḥadīth*s from. . . ."[49] Assume the veracity of the *isnād*s: this is what Stauth did in order to compare their *matn*s. The main difference between Stauth's and Berg's approaches

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[44] Berg, *The Development of Exegesis*, 112.

[45] Georg Stauth, *Die Überlieferung des Korankommentars Muǧāhid b. Ǧabrs. Zur Frage der Rekonstruktion der in den Sammelwerken des 3. Jh. d. H. benutzten frühislamischen Quellenwerke* (Ph.D. dissertation, Universität Gießen, 1969).

[46] Berg, *The Development of Exegesis*, 75.

[47] Berg, *The Development of Exegesis*, 76.

[48] Berg, *The Development of Exegesis*, 73.

[49] Berg, *The Development of Exegesis*, 137.

is that Stauth studied the content of the traditions related to the *isnād*s whereas Berg focuses on stylistic devices. The method of using the *isnād*s to select traditions to be researched does not as such deserve the label sanguine. If Stauth's result had been that the contents of traditions belonging to the different *isnād*s are completely different and that the *isnād*s therefore cannot be reliable, then Berg probably would have called him a skeptic.

Furthermore, Berg states that Stauth relies in his work on the common-link theory proposed by Schacht. Berg, then, tries to invalidate Stauth's procedure using the following argument: ". . . three compelling arguments for not positing trust in the information extracted from an apparent common link have been formulated since Stauth's application of the theory."[50] He sums up: (1) Calder's theory that the common links are products of "dispute and mutual *isnād*-criticism"; (2) Cook's theory of "spread of *isnād*s"; and (3) Juynboll's theory that "spider patterns" consist of fictitious strands which makes it "impossible to draw conclusions about their chronology, provenance, or authorship."[51] Obviously, there can be differing views as to how compelling the first two theories are, as I have pointed out above. They are merely speculations about possibilities. As for Juynboll, it seems odd that Berg argues with the "spider pattern." This pattern presupposes a theory that acknowledges that there are other *isnād* patterns which are reliable, and this is a non-skeptical theory according to Berg's thinking. Real skeptics must not use such a theory and it is also not compatible with the first two skeptical arguments. This inconsistency in Berg's thinking apart, he also fails to mention that there are arguments against the usefulness of Juynboll's spider theory.[52] Finally, it must be pointed out that for Stauth the common links in the *isnād*s primarily have a hypothetical value as indications of sources, as Berg himself duly remarks.[53]

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[50] Berg, *The Development of Exegesis*, 76.
[51] Berg, *The Development of Exegesis*, 77.
[52] Compare Motzki, "*Quo vadis*," 47–54.
[53] Berg, *The Development of Exegesis*, 73. Stauth himself does not use the term "common link."

III. *Methodology*: Isnād*s and Exegetical Devices*

III.1 *Content versus Style*

In this paragraph Berg explains why he does not base his analysis of exegetical *ḥadīth*s on the text (he calls it "content") of the traditions, as is customary, but on stylistic criteria, i.e. exegetical devices that he adopts for the most part from Wansbrough. Berg assumes that every exegete used particular exegetical devices and that on the basis of these devices a profile of his methods, "a stylistic fingerprint" of the exegete, can be constructed.[54] With the help of such profiles Berg thinks it is possible to decide whether the *isnād*s (and consequently the *matn*s combined with them) are reliable. His hypothesis is: "Very generally speaking, if the profiles for a particular exegete or his student vary significantly when they are preserved via different transmissions, then it would seem that some, or all of the *ḥadīth*s must be considered later fabrications. In other words, their *isnād*s are unreliable. If, on the other hand, the profiles from different transmissions are much the same, the implication is that the *isnād*s are reliable."[55]

Berg starts his paragraph "Content versus Style" by discussing and criticizing in more detail the methods of Stauth and of myself. He starts with my method of dating texts contained in ʿAbd al-Razzāq's *Muṣannaf*. He writes: "He [Motzki] concludes primarily on the basis of diversity in the content of the *matn*s, that the *isnād*s are reliable guarantors of authenticity. For him it seems impossible that a particular tradent, if he were going to go the effort to manufacture *ḥadīth*s, would bother to introduce such significant diversity and even contradictions." "The observed diversity upon which Motzki bases his conclusion may exist because of the theological agenda of one or more texts' redactors or tradents." Berg adds: "This critique is, of course, purely hypothetical. The observed diversity might also be the product of a less deliberate manipulation of the material in the *Muṣannaf*."

Berg's critique is pointless since it is directed against conclusions that I did not reach. In my book *Die Anfänge* and the two articles

[54] Berg, *The Development of Exegesis*, 120.
[55] Berg, *The Development of Exegesis*, 120.

to which Berg refers,[56] I neither reach conclusions "primarily on the basis of diversity in the content of the *matn*s" nor do I conclude that "the *isnād*s are reliable." As explained already, I tried to answer the question of whether certain transmitters of huge numbers of traditions either ascribed their texts fictitiously to their informants or really received the traditions from them. I took the criteria to decide this question mainly from the *isnād*s. What I called profiles consist only of criteria found in the *isnād*s. The diversity on which I primarily base my conclusions about the authenticity of the informants (not the *ḥadīth*s!) is the diversity of the *isnād*s. Further, I formulate criteria of authenticity for Ibn Jurayj's transmission from ʿAṭāʾ. Authenticity does not refer to authenticity of the *matn*s, but to authenticity of the ascription of the texts to Ibn Jurayj's informant ʿAṭāʾ, i.e. authenticity of the *isnād*. My extrinsic criteria of authenticity are *isnād* criteria (differentiation between *raʾy* and tradition and between *responsa* and *dicta*); the intrinsic criteria are partly *isnād* criteria (existence of Ibn Jurayj's own legal opinions; indirect transmission from ʿAṭāʾ), partly formal *matn* criteria (commentaries on ʿAṭāʾ's opinion or tradition; expressions of uncertainty about the precise wording; existence of variants in opinion or in wording; reporting of ʿAṭāʾ's deficiencies).[57]

In my studies summarized by Berg I only seldom deal with diversity of content. I deal primarily with diversity of the *isnād*s and, to a lesser extent, with formal *matn* diversity. Thus, the argument that "the theological agenda of one or more of the texts' redactors or tradents" could explain the diversity in the transmission profiles makes no sense. For example: Ibn Jurayj's transmission from ʿAṭāʾ is completely different from his transmission from ʿAmr b. Dīnār and both differ from that of al-Zuhrī. This statement is not based on criteria of content but on criteria such as the number of traditions transmitted from them; the proportion of informants mentioned; the genre

[56] Motzki, "The *Muṣannaf*" and "Der Fiqh des -Zuhrī: die Quellenproblematik," *Der Islam* 68 (1991): 1–44; an updated English edition is now available: "The Jurisprudence of Ibn Šihāb az-Zuhrī. A Source-critical Study," Nijmegen 2001: http://webdoc.ubn.kun.nl/mono/m/motzki_h/juriofibs.pdf.

[57] In the studies mentioned a real content analysis forms only the last level of investigation and has not been elaborated yet. For detailed content analyses see Motzki, "*Quo vadis*," 193–226; "The Prophet and the Cat"; and "The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of some *maghāzī*-Reports," in *The Biography of Muḥammad: The Issue of the Sources*, edited by H. Motzki (Leiden: E.J. Brill, 2000), 170–239.

of the traditions (my external criteria); the number of their own legal opinions; commentaries on the traditions; indirect transmission occurring simultaneously with direct transmission; expressions of uncertainty about *matn* or *isnād*; transmission of variants of *matn* or *isnād*; expression of an informant's weaknesses (my internal criteria). Can this diversity be explained by a theological agenda of Ibn Jurayj's? Can it be "a product of a less deliberate manipulation of the material in the *Muṣannaf*"? Manipulated by whom and for what reason? In my view, it is not likely that a "theological agenda" or "manipulation" are really "other factors" that "may account for the observed diversity." That some diversity (particularly that of the *matn*s but to a certain extent also of the *isnād*s) is also caused by the peculiar form of transmission in early Islam—"texts were transmitted in a combined oral and written manner, with the student notebook playing a significant role"[58]—does not contradict my method, as Berg suggests. It is, on the contrary, part of my assumptions when comparing the variants of a particular tradition.[59] The diversity caused by the transmission process is of another kind than the fundamental diversity between the different sources that I have analyzed in my studies of ʿAbd al-Razzāq's *Muṣannaf*. Both can and must be distinguished from each other.

Berg concludes this passage by stating: "Certainly the earlier Motzki pushes his conclusions, the less convincing and substantiated his claims become. For transmitters and exegetes as early as Ibn ʿAbbās, Motzki's conclusion seems particularly weak."[60] Berg does not substantiate his claim here. This may be explained by the fact that he bases himself only on the short article "The *Muṣannaf*" and disregards the detailed study *Die Anfänge*. More than a third of that book is devoted to the early level of ʿAbd al-Razzāq's transmission, to the traditions ascribed via Ibn Jurayj to ʿAṭāʾ and ʿAmr. On this level I developed the criteria of authenticity that suggest that the texts really were transmitted from ʿAṭāʾ and ʿAmr. As for Ibn ʿAbbās, I give several reasons why it is likely that the texts ascribed by ʿAṭāʾ and ʿAmr to Ibn ʿAbbās (and transmitted by Ibn Jurayj in ʿAbd al-Razzāq's *Muṣannaf*) were not fictitiously ascribed to him but were either direct

[58] Berg, *The Development of Exegesis*, 113.
[59] See Motzki, "Der Fiqh," 23–42 ["The Jurisprudence," 26–47], "*Quo vadis*," 193–229; and "The Prophet and the Cat," 30 and passim.
[60] Berg, *The Development of Exegesis*, 114.

memories of his teaching or go back to some of his pupils.[61] Berg objects to the arguments developed in my book that my "conclusion seems particularly weak." Such an objection is futile since he does not explain why my arguments are weak. In view of the fact that Berg's study focuses on the traditions ascribed to Ibn ʿAbbās, his lack of interest in arguments concerning these traditions is curious. Does he refrain from discussing them because they are inconsistent with his own assumptions about the Ibn ʿAbbās traditions, or because he considers my conclusions to be contradictory to the outcome of his own examination of the Ibn ʿAbbās traditions? It will be argued below that my conclusions concerning these traditions are perfectly compatible with Berg's results.

The other scholar whose methods Berg discusses in more depth in his paragraph "Content versus Style" is Stauth. Berg's first objection is that Stauth, in his study on the exegetical traditions ascribed to Mujāhid, relies on a common-link model, which "is problematic for skeptics."[62] He reiterates his questionable statement that Cook, Calder and Juynboll's spider pattern "provide compelling arguments"[63] against the common link and that Stauth "is assuming the authenticity of the *isnād*s in the manner of Sezgin."[64]

Berg then deals with Stauth's finding "that there are more similarities between the materials in al-Ṭabarī's *Tafsīr* with the three Ibn Abī Najīḥ—Mujāhid *isnād*s than between the materials in al-Ṭabarī's *Tafsīr* and Ibn Shādhān's *Tafsīr* with the Warqāʾ—Ibn Abī Najīḥ—Mujāhid *isnād*s."[65] Stauth concluded from this finding that an anonymous redactor prior to al-Ṭabarī must have been responsible for this harmonization. Berg rightly rejects this conclusion, but his explanation that the variance between Warqāʾ's traditions in al-Ṭabarī's and Ibn Shādhān's *Tafsīr*s suggests "a correlation between the collectors such as Ibn Shādhān and al-Ṭabarī"[66] is not convincing either. Berg assumes that Ibn Shādhān's *Tafsīr* may be a later edited version of al-Ṭabarī's material. This might account for both the similarities and the differences. Yet Berg's idea that Ibn Shādhān (d. after 424/1032)

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[61] Motzki, *Die Anfänge*, 107–109, 128–134, and 169–173 [*Origins*, 117–120, 140–147, and 187–192].
[62] Berg, *The Development of Exegesis*, 114.
[63] Berg, *The Development of Exegesis*, 114–115.
[64] Berg, *The Development of Exegesis*, 115.
[65] Berg, *The Development of Exegesis*, 115.
[66] Berg, *The Development of Exegesis*, 115.

is the author or collector and final redactor of the so-called *Tafsīr* Mujāhid is only based on the fact that "he is the first transmitter to appear only in the title pages of the fascicules."[67] The other *isnād*s of the material, however, indicate that the collection was given its final form two or even three generations earlier by Ibrāhīm b. al-Ḥusayn b. Dīzīl (d. 281/894) or by Ādam b. Abī Iyās (d. 220/835 or 221/836).[68] Ādam is, according to the *isnād*s, the earliest common transmitter of all the texts, not only those going back via Warqāʾ—Ibn Abī Najīḥ to Mujāhid.[69] As will be shown below, it is arbitrary to reject the parts of the *isnād*s from Ādam b. Abī Iyās until Ibn Shādhān as unreliable and fabricated. Stauth's observation "that there are more similarities between the materials in al-Ṭabarī's *Tafsīr* with the three Ibn Abī Najīḥ—Mujāhid *isnād*s than between the materials in al-Ṭabarī's *Tafsīr* and Ibn Shādhān's *Tafsīr* with the Warqāʾ—Ibn Abī Najīḥ—Mujāhid *isnād*s" can be explained by assuming that al-Ṭabarī sometimes reproduced their sources accurately and sometimes edited them for some reason.[70] Berg rightly mentions this solution.[71] In view of such a possibility, the diversity between the materials of the two *Tafsīr*s (which probably already existed in al-Ṭabarī's time) can be explained both by the normal deviation occurring in the transmission process and by editing.

A third point of Berg's critique is that Stauth examined "the correlation between the names in the *isnād*s and the variation of the contents instead of evaluating the *isnād*s on the basis of the content."[72] In doing so Stauth, in Berg's view, "merely examines the degree to which the names in *isnād*s were assigned to the exegetical material

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[67] Berg, *The Development of Exegesis*, 97 n. 42.

[68] For information on the two scholars see Stauth, *Die Überlieferung*, 73–78.

[69] With the exception of two traditions added by Ibrāhīm b. al-Ḥusayn. See Stauth, *Die Überlieferung*, 79 and Fred Leemhuis, "MS. 1075 Tafsīr of the Cairene Dār al-Kutub and Muǧāhid's *Tafsīr*," in *Proceedings of the Ninth Congress of the Union Européenne des Arabisants et Islamisants*, edited by Rudolph Peters (Leiden: E.J. Brill 1981), 169–180, esp. 178. According to Leemhuis (170 and 173) the present form of the collection dates from the time of al-Ṭabarī at the latest. His dating also seems to be based on the *isnād*s.

[70] Mostly for reasons of space or to avoid repetition. This can be observed in ʿAbd al-Razzāq's *Muṣannaf* and al-Bukhārī's *Jāmiʿ* as well.

[71] Berg, *The Development of Exegesis*, 98 n. 48. Berg thinks more of deliberate manipulation of the sources by al-Ṭabarī to define the limits of the debate. Yet the differences that al-Ṭabarī has suppressed in the case of Warqāʾ's traditions are hardly of such a controversial nature.

[72] Berg, *The Development of Exegesis*, 115.

in a random fashion."[73] This assessment of Berg's is, to my mind, not accurate. Stauth first studied the *isnād*s that are contained in four different compilations and that go back to al-Mujāhid. In his *isnād* analysis he did not pay much attention the *matn*s[74] and ignored the content completely. He only tried to interpret the peculiarities of the *isnād*s and found that the *isnād*s show certain patterns that can hardly be the result of assigning *isnād*s to the texts in a random fashion.[75] Through his *isnād* analysis he hypothetically reconstructed the transmission history of the texts. In his *matn* analysis Stauth then checked whether the similarities and variances of the texts fit into the transmission history reconstructed on the basis of the *isnād*s. In his *matn* analysis Stauth concludes that an anonymous redactor must have been responsible for the *matn* peculiarities of al-Ṭabarī's traditions. This shows that the results of Stauth's *isnād* analysis did not predetermine the outcome of his *matn* analysis, as Berg seems to suggest. Stauth's procedure will be acceptable to anyone who is not convinced in advance that the *isnād*s are unreliable.

On the basis of three examples from al-Ṭabarī's and Ibn Shādhān's *Tafsīr*s Berg tries to show that the reliability of the *isnād*s cannot be checked through a content analysis.[76] His arguments are not convincing, however. Berg objects that "Stauth ignores the fact that similarities Stauth observed between the various Mujāhid-transmissions are present even in non-Mujāhid-transmissions, suggesting perhaps that a consensus of sorts had formed about the exegesis of a certain passage and then various *isnād*s were subsequently fabricated to retroject these opinions."[77] He gives an example of the exegetical traditions for Qur'ān 14:5 in which not only all texts ascribed to Mujāhid give the same explanation but also the texts ascribed to three other authorities. All explain the Qur'ānic words "*bi-ayyām Allāh*" with "*bi-niʿam Allāh.*"

This observation does not at all "highlight the weakness of the use of 'content' as a criterion for the authenticity of *ḥadīth*s" as Berg

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[73] Berg, *The Development of Exegesis*, 115.

[74] He only notes to which parts of the Qur'ān the *isnād*s refer.

[75] The patterns, for example, that some *isnād*s occur only for a certain part of the Qur'ān and are lacking for the rest, or that some *isnād*s end consistently or mainly with Mujāhid whereas other *isnād*s show several branch lines that end in other names.

[76] Berg, *The Development of Exegesis*, 115–118.

[77] Berg, *The Development of Exegesis*, 115.

suggests.[78] The basic idea underlying Stauth's method is: a text, which is ascribed to one and the same authority but which is transmitted through different *isnād*s, must appear in similar textual variants if the *isnād*s are correct.[79] Assuming this, Berg argues, we can expect that texts on a similar issue ascribed to different authorities differ from each other. But this is not the case in the example mentioned above. Berg's objection is correct in theory but too general to be applied to practical reality. In the historical analysis of texts, the rule applied is that two identical texts have the same author or they are plagiarisms, i.e. one is copied from the other. There are, however, exceptions to this rule: If a text is very short, unspecific or belongs to a problem that can only generate a few solutions it may be that similar or even identical texts have different authors.[80] Such exceptions do not invalidate the rule; they only make the analysis of texts more complicated.

Berg's example of Qur'ān 14:5 belongs to the exceptions mentioned. The text is extremely short, "*bi-niʿam Allāh*," and is caused by the context. This explanation of "*bi-ayyām Allāh*" is namely suggested by the Qur'ān itself. In verse 5 God orders Moses to remind his people "of the days of God" (*dhakkir-hum bi-ayyām Allāh*). In the following verse Moses is speaking to his people: "Remember the goodness of Allāh" (*udhkurū niʿmat Allāh*). This suggests that Moses in verse 6 carries out the order given to him in verse 5, which leads to the interpretation that *ayyām Allāh* means *niʿam Allāh*. Mujāhid is, therefore, not the only one who could imagine such an interpretation. This sort of exception to the rule is particularly frequent in the field of exegetical texts. It also occurs in traditions of juridical opinions if they are very short answers to a problem that only allows for a limited number of solutions. Conclusions about the history of these sorts of texts are, therefore, in need of both a larger number of texts ascribed to the same authorities and, additionally, longer and more specific texts.

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[78] Berg, *The Development of Exegesis*, 115.

[79] The degree of similarity depends on the methods of transmission. If the texts have been transmitted purely orally the variances are much greater than in an oral transmission that is accompanied by written notes. There are even fewer variances when the texts have been dictated or copied from written sources. Besides, variances and similarities may be the result of editing of the texts (e.g. by making additions, omissions, changes and adjustments).

[80] When texts have been transmitted and edited, one must reckon with additional possibilities for similarities such as interference and adaptation.

Berg argues that Stauth's method is not reliable in the case of more specific and longer texts either. He gives two examples in which not only the variants ascribed to Mujāhid are similar but also traditions ascribed to Qatādah show more or less similarity with Mujāhid's texts.[81] These examples, however, do not invalidate Stauth's method. In both cases the exegesis of the Qur'ān passage in question is based on *sabab al-nuzūl* traditions, on which both the traditions ascribed to Mujāhid and those associated with Qatādah seem to rely. Here another rule of historical textual analysis is applicable: similar texts, i.e. those that have a similar structure and that display substantially similar wording, are supposed to have a common source. This rule can best be applied in cases of longer text passages. It is particularly suitable for texts whose transmission does not follow fixed rules or is only partly written.

Berg's third example, the exegesis of Qur'ān 16:106, is particularly suited to demonstrate the application of the rule just mentioned. The two texts ascribed to Mujāhid are seven to eight lines long and so similar that one may justly conclude that they go back to a common source. The tiny differences are most likely the result of a transmission through several generations. According to the *isnād*s this common source is Ibn Abī Najīḥ, the transmitter above (i.e. from) Mujāhid. The text ascribed to Qatādah, on the contrary, is much longer and varies considerably from the texts associated with Mujāhid, but it also contains several key words that are found in the latter as well. These partial similarities show that both text traditions, the texts ascribed to Mujāhid and the one associated with Qatādah, rely on an earlier source for which no separate *isnād* is given. This source can be described as a tradition about the historical backdrop of the Qur'ānic verse 16:106. That the exegesis of the verse relies on such an earlier anonymous tradition is explicitly stated in Qatādah's text, which starts with the words "*dhukira la-nā*" (it has been reported to us).

Stauth did not go this far in his historical analysis of the texts. He confined himself to a comparison of the variants ascribed to Mujāhid. Berg objects to Stauth's approach: "Had the Qatādah-*matn* also been attributed to Mujāhid, by Stauth's standards it would seem to support that all three were derived from the same source,"[82]

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[81] Table 4.2 and 4.3, Berg, *The Development of Exegesis*, 117.
[82] Berg, *The Development of Exegesis*, 118.

namely Mujāhid. Such an argument is not acceptable for two reasons. Firstly, an imaginary case does not prove that the method (any method) does not work properly in ordinary circumstances. The point is that in the example to which Berg refers the Qatādah-*matn* is *not* attributed to Mujāhid. The *isnād* thus corroborates the textual analysis or vice versa. If, for the sake of argument, we imagine that the Qatādah-*matn* were accidentally ascribed to Mujāhid after all, a scholar used to the method of historical text analysis would not immediately conclude that it is a Mujāhid-text. He would check the extent to which the text fits the other variants ascribed to Mujāhid. If it varies more than the others, as is the case with the Qatādah-*matn*, then our scholar would look for explanations. He could consider the following solutions: (a) The text has falsely been ascribed to Mujāhid. If there are parallels for the Qatādah-tradition our scholar would even realize that the text originally belonged to the Qatādah-tradition. (b) The similarities of the text with the other Mujāhid-traditions may go back to Mujāhid but the differences that the varying text displays with the other Mujāhid-traditions are the work of later transmitters and editors. In any case our scholar would not identify the text as such as a Mujāhid-*matn*, as Berg assumes.

Accordingly, Stauth refrained from reconstructing a *Tafsīr* Mujāhid. He found that the textual differences between the several lines of transmission are too great to allow a reconstruction of the text of even a *Tafsīr* by Ibn Abī Najīḥ *ʿan* Mujāhid. The many similarities, on the other hand, led him to conclude (a) that the texts belong to a common exegetical text tradition associated with the name of Mujāhid and (b) that they largely corroborate the transmission history which can be reconstructed on the basis of the *isnād*s. He concluded that the variation is largely due to transmitters and editors. All in all Berg's objections to Stauth's methods are not convincing. Berg *a priori* assumes that *isnād*s are unreliable and thus, in his view, Stauth's research can only be a failure. Berg concludes the paragraph with the statement: "There are other, very plausible theories that account for their [Motzki's and Stauth's, H.M.] observations which do not suggest that *isnād*s are reliable—in fact quite the opposite: they presuppose the large-scale fabrication of *isnād*s."[83] These theories may be plausible, yet, to my mind, it has still to be shown

[83] Berg, *The Development of Exegesis*, 118.

that they are really able to explain the striking relations that can be observed between the variants of the texts and the variants of their *isnād*s found in different sources.

III.2 *An Alternative*

Berg starts this paragraph by concluding from his discussion of Stauth's and my approaches that "the choice is between presupposing the authenticity of *isnād*s and presupposing their spuriousness."[84] As I have already argued, this "either-or" approach is not necessary in studying *ḥadīth*s. One can start by assuming that both presuppositions may be possible, yet we do not know which one was in fact the case. Or we may begin by assuming that both presuppositions may even be possible at the same time, i.e. there may be *isnād*s that are reliable and others that are not. Then one studies the material (*isnād*s and *matn*s) and considers the most plausible conclusion for the peculiarities one detects in the material.

Berg furthermore says that "Stauth and Motzki have not succeeded in providing a convincing argument for the" *isnād*s.[85] I think we have but with some qualifications. Stauth and I did not claim that *isnād*s are generally reliable. Our conclusion that *isnād*s are reliable was limited to the material that we studied and our conclusion would serve us at most as a working hypothesis, i.e. as a tentative assumption guiding our future investigations. Finally, I did not only find *isnād*s that are reliable but also unreliable ones. I pointed out, for example, that ʿAṭāʾ al-Khurāsānī's transmission from Ibn ʿAbbās is suspicious and probably fictitious, i.e. this *isnād* cannot be trusted.[86] Therefore, Berg's conclusion that "we are left only with the *matn*s with which to evaluate"[87] *ḥadīth*s in general and exegetical *ḥadīth*s in particular is a claim which is not justified.

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[84] Berg, *The Development of Exegesis*, 118.

[85] Berg, *The Development of Exegesis*, 118.

[86] See Motzki, *Die Anfänge*, 208–209 [*Origins*, 233]. The original German text is more explicit: The authenticity of traditions of the Prophet transmitted by ʿAṭāʾ al-Khurāsānī from Ibn ʿAbbās is doubtful. That is not meant as a generalization. I do not suggest that all transmissions from him *are* inauthentic, but only that they are *suspect* of being so, and it should therefore not be presumed that they are authentic, i.e. really received from Ibn ʿAbbās.

[87] Berg, *The Development of Exegesis*, 118.

Even if Berg has not convincingly shown that we must generally presuppose the spuriousness of *isnāds*, his suggestion of using stylistic criteria in the *matns* in order to check the reliability of the material is certainly a most welcome addition to the methods used in *ḥadīth* criticism. This idea is not new but has only rarely been put into practice until now. Stetter did it in his dissertation more than thirty-five years ago as well as A. Noth in his *Quellenkritische Studien* (1973), yet after them this approach fell into oblivion. For his stylistic analysis of exegetical *ḥadīths* Berg chooses the exegetical typology and the exegetical devices developed by J. Wansbrough in his *Quranic Studies* (1977). So far so good. The design of his investigation, however, is based on assumptions that are problematic and predetermine its outcome.

Berg states: "A comparison of exegetical devices, because they emerged separately and chronologically along with their frameworks, might allow us to determine more accurately the reliability of *isnāds*."[88] His statement contains the premise that the exegetical devices along with their framework emerged separately and chronologically. This premise is adopted from Wansbrough. It is one of the results at which he arrived in his study of *tafsīr* literature. Wansbrough's study proceeds from the general assumption that *isnāds* are unreliable. He therefore has no other choice but to rely exclusively on the *matns* of the traditions. Since the *matns* alone hardly allow definite statements about their chronology, Wansbrough is forced to base his conclusion on how the exegetical devices emerged on other criteria. He relies on the development of the "Hebrew scripture" and its exegesis as a model and on assumptions of his own which he postulates as factual or plausible. However, the conclusions Wansbrough draws on this basis about the chronology of the texts are questionable. We may ask, for example, whether the development of the Hebrew scripture and its exegesis, which took many more centuries than the development of Muslim scripture and its exegesis, is suitable as a model. It is possible that in the development of Muslim scripture and its exegesis different types of exegesis emerged together from the start or with only short periods between them. Therefore, Wansbrough's assertion that the exegetical types "are consistent enough to allow intrusions to be identifiable as such"[89] may be less certain than Berg assumes.

[88] Berg, *The Development of Exegesis*, 119.
[89] Berg, *The Development of Exegesis*, 119.

Be that as it may, Berg's premise that the exegetical types emerged separately and chronologically is obviously based on the assumption that the *isnād*s are generally unreliable, and his attempt "to determine more accurately the reliability of *isnād*s" on this basis is not beyond the suspicion of being circular. It is questionable when Berg claims that he only draws "on the methods of both" skeptics and non-skeptics "but not on either of the assumptions that underlie their circular reasoning"[90] and that he was therefore able to avoid circular reasoning.[91]

Berg claims furthermore: "If the sceptics such as Wansbrough, Cook and Calder are wrong and scholars such as Sezgin correct with respect to the proper approach to the study of *ḥadīth*s, the exegetical devices, like the actual words of the *matn*s, must go back to those exegetes who stand at the beginning of the *isnād*s."[92] This argument reflects Berg's dichotomy between scholars, which is inconsistent, as we have seen. It only allows for two possibilities but no middle ground. It seems as if this premise already determines the outcome of Berg's experiment: either the *isnād*s are generally unreliable or they are generally reliable.[93]

III.3 *Parameters: Al-Ṭabarī and Ibn ʿAbbās*

Berg intends to examine whether a consistent "stylistic fingerprint" of Ibn ʿAbbās can be proven on the basis of the exegetical traditions ascribed to him in al-Ṭabarī's *Tafsīr*. He starts with a presentation of his parameters: al-Ṭabarī and Ibn ʿAbbās. Having read this much of Berg's book and having become more and more accustomed to the dogmas of skepticism favoured by the author, the reader is surprised at the paragraph about al-Ṭabarī and his *Tafsīr*. First Berg gives a summary of al-Ṭabarī's biography that is mainly based on

[90] Berg, *The Development of Exegesis*, 226.
[91] Berg, *The Development of Exegesis*, 141.
[92] Berg, *The Development of Exegesis*, 119.
[93] Berg writes in this context: "Very generally speaking, if the profiles for a particular exegete or his student vary significantly when they are preserved via different transmissions, then it would seem that *some, or* all, of the *ḥadīth*s must be considered to be later fabrications. In other words, their *isnād*s are unreliable." (Emphasis mine.) The word "some" seems to limit the general purport of the statement, but this reservation seems to have no real meaning since a middle ground is a priori excluded.

two primary sources: Ibn ʿAsākir (d. 571/1176) and Yāqūt (d. 626/1229) who lived 250 to 300 years after al-Ṭabarī. Berg does not accompany this biography with any critical comment on the historical value of the biographical material he uses. This is strange because we learned from the author that biographical materials "were produced symbiotically with the *isnād*s" and are not independent sources.[94] If this is true, one might expect Berg to at least have reservations about the information concerning al-Ṭabarī's study, his teachers and his works, which could have been invented on the basis of the *isnād*s found in the works ascribed to al-Ṭabarī. Some details about his life could also be questioned in view of the fact that the sources are so much later than al-Ṭabarī's time. After a hundred pages of skepticism, and after a paragraph on "the authenticity of the historical *ḥadīth*s" in which Berg expounds that "acceptance of the biographical materials, the information in the *isnād*s, and the consequent attempts to reconstruct hypothetical early sources from later extant texts are all prominent features of the non-skeptical scholars,"[95] the reader hardly believes his eyes when he reads that "al-Ṭabarī's *Taʾrīkh* is the single most important source for *historical* information about the first three centuries of Islam."[96]

Berg's skepticism only reappears—albeit in a very restrained manner—when presenting al-Ṭabarī's *Tafsīr*. He mentions Calder's doubt as to whether al-Ṭabarī is really the author of the *Tafsīr* because it shows "some features of organic growth" and "some features of authorial control" so that the work as it now exists was perhaps produced by a later editor.[97] Berg is more reserved than Calder on this issue. He accepts al-Ṭabarī as the author but nevertheless qualifies this acceptance by saying that "at least some of the redactional activity on the work must have come from al-Ṭabarī's students or later generations."[98]

Berg doubts the common view that al-Ṭabarī compiled most of his tradition material from written sources. He assumes in an argument typical of the skeptics that "much of the material was transmitted orally," though he adds that "the two forms of transmission

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[94] Berg, *The Development of Exegesis*, 26.
[95] Berg, *The Development of Exegesis*, 190.
[96] Berg, *The Development of Exegesis*, 122. Emphasis mine.
[97] Berg, *The Development of Exegesis*, 123–124.
[98] Berg, *The Development of Exegesis*, 124.

are not mutually exclusive."[99] He then quotes a passage from Yāqūt that "certainly implies that al-Ṭabarī used many written sources," as Berg admits, but he immediately qualifies his conclusion by adding: "It is not clear who Yāqūt's source for this information is. Whether it was deduced from an examination of *isnād*s contained in the *Tafsīr* or a report from an eye-witness is unfortunately not known."[100] Two pages later, however, Berg uses the same quotation from Yāqūt as a proof that "al-Ṭabarī invoked his personal opinion when excluding some traditions."[101] Finally, Berg cautiously doubts the common opinion that al-Ṭabarī "was accurate in relaying the *ḥadīth*s as he received them."[102] This doubt is understandable in view of his already mentioned assumption that "much of the material" that al-Ṭabarī received from his teachers "was transmitted orally." But Berg's argument is weak: "*ḥadīth*s from a particular exegete whose opinion has been adduced by al-Ṭabarī in his *Tafsīr* are not always the same as those of the same exegete found in a different work."[103] As Berg himself admits, this is not necessarily al-Ṭabarī's mistake.

I point to the restrained skepticism in Berg's presentation of al-Ṭabarī and his work because it reveals some fundamental weaknesses of the skeptics' position. One problem is the period to which it applies. From what point in time onwards can the skeptical dogma be put aside because the information given in the Muslim sources can be considered certain? If biographical traditions "were produced symbiotically with the *isnād*s" and are "not independent sources," the question arises as to how general the skeptics' dogma is. And to which period must it be applied in view of the fact that the *isnād* system continues in the form of the *riwāyah*s for centuries, as does the production of biographical information about scholars? Finally, how can the chronological end of the dogma, if it has one, be determined

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[99] Berg, *The Development of Exegesis*, 124.

[100] Berg, *The Development of Exegesis*, 125. There can be no doubt, however, that it is not an eye-witness report but the summary of someone who read the *Tafsīr*.

[101] Berg, *The Development of Exegesis*, 127. Another, more surprising, case for Berg's using biographical information as argument is to be found on p. 135. Here, Berg questions the authenticity of ʿAlī b. Abī Ṭalḥah's (d. 120/737) *ṣaḥīfah* because "questions about its validity also arise from *the fact* that ʿAlī b. Abī Ṭalḥah was never a student of Ibn ʿAbbās." Berg's fact can only be based on biographical information, which he himself rejects as generally unreliable.

[102] Berg, *The Development of Exegesis*, 125.

[103] Berg, *The Development of Exegesis*, 125. He gives as example a text of the *Tafsīr* Mujāhid.

and justified? Berg's account of al-Ṭabarī and his *Tafsīr* reveals his uneasiness with this problem, yet he does not address it explicitly.

When Berg discusses the issue of al-Ṭabarī's authorship he also avoids trying to get to the bottom of the problem, namely the fact that no autograph has been preserved of al-Ṭabarī's *Tafsīr*. The edited text available is based on late manuscripts (twelfth/eighteenth century) and earlier manuscripts contain only fragments of the work.[104] This means that al-Ṭabarī's authorship is only guaranteed by the *riwāyah*s, i.e. the *isnād*s. Skeptics, however, generally do not trust the *isnād*s since "Cook and Calder have 'destroyed' the very information" which some scholars "seek to create by gleaning the *isnād*s." We had learned that from Berg in the conclusions of his chapter on *Ḥadīth* Criticism.[105] By refusing to rely on *isnād*s, skeptics find themselves in real trouble on the authorship issue. Assuming that al-Ṭabarī really is the author of the *Tafsīr* would be pure ascription in the Sezginian manner, i.e. sanguine. The biographical information cannot help because it is based on traditions itself, only available in later sources and, according to the skeptics' dogma "produced symbiotically with the *isnād*s" and therefore not an independent source. Consequently, Berg expressly rejects the biographical material as suspect.[106] The common link concept cannot help either because skeptics consider it as unreliable as the *isnād*s in general. Even if they were prepared to make an exception, they would probably only find that the *riwāyah*s of the *Tafsīr* manuscripts form a spider pattern that, according to its discoverer Juynboll, is historically unreliable. As mentioned above, Berg used the spider pattern as a skeptical argument against Stauth. Here it would work against himself.

It is obvious that al-Ṭabarī's authorship cannot be ascertained on the basis of the skeptics' dogma. *It could be*—a typical type of argument used by skeptics—that the work as it is now available was compiled two or three centuries later by someone who ascribed it to al-Ṭabarī because he had by then acquired a certain renown as a scholar, for example, through his historical work. If al-Ṭabarī, however, can be accepted as the author of the *Tafsīr* on the basis of the

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[104] See F. Sezgin, *Geschichte des Arabischen Schrifttums, Band I: Qurʾānwissenschaften, Ḥadīṯ, Geschichte, Fiqh, Dogmatik, Mystik bis ca. 430 H.* (Leiden: E.J. Brill, 1967), 327–328.

[105] Berg, *The Development of Exegesis*, 49.

[106] Berg, *The Development of Exegesis*, 137.

*riwāyah*s, then such a procedure is also legitimate in other cases. The question then is whether it is acceptable that skeptics such as Calder reject Mālik's authorship of the *Muwaṭṭa'* or ʿAbd al-Razzāq's authorship of the *Muṣannaf* simply because of the fact that their authorship is only based on *riwāyah*s of the works as ascribed to them.[107]

To avoid such uncertainties about authorship, which would affect almost the whole of Muslim literature until the ninteenth century, skeptics must define a borderline between reliable and unreliable *isnād*s. By doing this they contravene their own dogma that *isnād*s generally cannot be trusted. The borderline, which they may draw between the period in which *isnād*s are unreliable and the time in which they can be trusted, must be based on arguments. These arguments will reflect their skeptical view on the development of Islamic scholarship, especially their views on the *ḥadīth*s and *isnād*s. The skeptics' borderline will therefore be considered arbitrary and circular by scholars who do not subscribe to the skeptics' dogma.

I assume that Berg does not discuss this problem and that he is only restrained in his skepticism in the case of al-Ṭabarī because he supposes that the borderline, which has been drawn by Wansbrough, is a valid and safe one. Berg quotes it at the end of his book: "the supplying of *isnād*s, whether traced to the prophet, to his companions, or to their successors, may be understood as an exclusively formal innovation and cannot be dated much before 200/815."[108] However, this borderline has not been widely accepted. Scholars who do not share the skeptics' dogma reject it as too late, and skeptical scholars, like Calder, considered it too early and pushed it one or two centuries later. In any case, the skeptics' dogma is weakened by their

[107] Interestingly a skeptic scholar such as Patricia Crone accepts Sayf b. ʿUmar (d. between 170/786–7 and 193/809) as the author of the fragment entitled *Kitāb al-Ridda wa-l-futūḥ*, edited by Qāsim al-Sāmarrā'ī. P. Crone, "*Kitāb al-Ridda wa'l-Futūḥ* and *Kitāb al-Jamal wa masīr ʿĀ'isha wa ʿAlī* . . . by Sayf b. ʿUmar al-Tamīmī, edited by Qasim al-Samarrai, Leiden 1995," *Journal of the Royal Asiatic Society of Great Britain and Ireland* 6 (1996): 237–240. Yet this fragment is not Sayf's autograph but, according to the *isnād* (al-Sarī—Shuʿayb—Sayf), merely a collection of traditions ascribed to Sayf by al-Sarī b. Yaḥyā al-Ḥanẓalī who lived two generations later than Sayf. Crone's assumption that Sayf is the author is based on ascription in the Sezginian manner. Calder's arguments concerning the authorship of books ascribed to early Muslim scholars are dealt with in more depths by Andreas Görke, *Das Kitab al-Amwāl des Abū ʿUbaid al-Qāsim b. Sallām. Entstehung und Werküberlieferung* (Ph.D. dissertation, Hamburg, 2000).

[108] Berg, *The Development of Exegesis*, 229.

inconsistency regarding the reliability of the *isnād*s. The skeptics must admit that there are at least some reliable *isnād*s. This also means that the difference between skeptics and those who do not follow them is not as clear-cut as Berg would have us believe with his absolute categorization of skeptics and non-skeptics.

Berg's borderline between reliable and unreliable *isnād*s leads to non-skeptical arguments, not only concerning the authorship of al-Ṭabarī's *Tafsīr* but also concerning the informants to whom al-Ṭabarī ascribed his material. Berg accepts these ascriptions and assumes "that the informants of al-Ṭabarī are actual people who instructed al-Ṭabarī in either written or oral form." He considers this assumption

> a valid one for two reasons. First, some of these informants were still alive when al-Ṭabarī began writing and would have been able to challenge him if he deviated from their teaching. Second, al-Ṭabarī had some opponents (the nascent Ḥanbalīs) and if they believe [*sic*] he had himself fabricated *matn*s of *isnād*s, they would not have hesitated to publicize such forgeries.[109]

Similar arguments could be applied, however, to the lower levels of the *isnād*s, i.e. to the informants of al-Ṭabarī's informants, then to their informants etc. This would then be an argument for the reliability of al-Ṭabarī's *isnād*s in general. Furthermore, Berg's arguments could also apply to other works ascribed to early authors, for example, ʿAbd al-Razzāq's *Muṣannaf* or Mālik's *Muwaṭṭa*ʾ, and to their informants. In the latter cases, however, skeptics like Calder reject such arguments and assert that the informants must be considered fictitious.[110]

The categorical rejection of biographical material, a characteristic Berg considers an essential part of the skeptics' dogma, also calls for some comment. Berg states that "the *rijāl* material is *suspect*." "Its accounts of the lives of the transmitters cannot be assumed to be *objective*."[111] These statements would be acceptable if they were not meant as general statements. It is a well-known fact that historical sources which are classified as "traditions" (in contrast to "remnants") are not objective; this is not confined to Muslim traditions. However, this does not mean that they have no value as sources. Certain types

[109] Berg, *The Development of Exegesis*, 166, n. 131.
[110] See Calder, *Studies*, ch. 2 and p. 194.
[111] Berg, *The Development of Exegesis*, 137. Emphasis mine.

of sources may even be suspect for some reason without being completely historically unreliable. But Berg writes:

> Once one accepts the possibility of *isnād* fabrication, the *rijāl* literature loses its value as a source. . . . If a name adduced in a particular *isnād* could be fabricated, then so too could be the tradent's biography. In fact, the fabrication of the biography would be likely, and the transmitter's qualities determined not by authentic information about him.[112]

The validity of these statements is questionable. The *possibility* that something may have happened does not allow one to conclude that it *actually* happened. The possibility that *isnād*s and biographies were fabricated does not allow one to conclude that they really were fabricated. This must be positively proven first. The proof that *some isnād*s or *some* information contained in biographies of tradents were really fabricated does not necessarily mean that *most of them* or even *all* of them were. Furthermore, the fact that some links in an *isnād* or even a whole *isnād* may have been fabricated does not preclude the possibility that the names occurring in these forgeries were historical persons and that at least some of the information contained in their bibliographies is reliable.

The information given in the biographies of Muslim transmitters is of different kinds. Some of the information, such as the names of the teachers and the students of a scholar, may indeed have been derived from the *isnād*s, at least partly.[113] There is other information in the biographies, however, in which such a hypothesis is less obvious. If the biographical material has not been studied in depth, general statements about its reliability should be avoided. To assume its general reliability is as incorrect as to assume the contrary. Berg would be justified in excluding the biographical material by arguing that the reliability of the material is not sufficiently known, but not by arguing that it is probably fabricated.

III.4 *Hypotheses for possible outcomes*

Berg's procedure to check whether the exegetical traditions in al-Ṭabarī's *Tafsīr* really derive from Ibn ʿAbbās is the following: First

[112] Berg, *The Development of Exegesis*, 137.

[113] See Motzki, *Die Anfänge*, 232–233, 237–238, and 253–256 [*Origins*, pp. 262–262, 267–268, and 284–287].

he establishes "the stylistic profiles . . . for a set of *ḥadīth*s originating with Ibn ʿAbbās." Then he calculates "the percentage of each of the exegetical devices . . . employed in *ḥadīth*s with *isnād*s going back to Ibn ʿAbbās."[114] The same calculations are also performed "for each of the several selected students of Ibn ʿAbbās and for each of the several selected informants of al-Ṭabarī."[115] The analysis consists in a comparison of "the distribution of exegetical devices found in Ibn ʿAbbās with those of the students and informants."[116] According to the author this comparison can only have four possible outcomes: "the *isnād*s attached to exegetical *ḥadīth*s are completely reliable, partially so, partially unreliable, or completely so."[117]

A fundamental flaw in Berg's design of his experiment is that it includes only the *isnād* levels of al-Ṭabarī's informants, of Ibn ʿAbbās's pupils and of Ibn ʿAbbās himself, i.e. only the beginning and the end of the *isnād*s. Such a design cannot lead to reliable conclusions about the *isnād*s of the Ibn ʿAbbās traditions in general because it rules out the possibility that the traditions may have been falsely ascribed only to Ibn ʿAbbās or to his pupils, whereas the *isnād*s extending from the informants of al-Ṭabarī to the fabricators could be reliable. I shall return to this problem below.

The idea that it is possible to reconstruct Ibn ʿAbbās's stylistic fingerprint or his actual words on the basis of the traditions ascribed to him can only occur to scholars who are convinced that the Muslim traditions are generally reliable. There are only very few Western scholars who are convinced of this. Transferred from the genre of exegetical *ḥadīth*s to that of the *ḥadīth*s in general, such an idea would mean that it is possible to reconstruct the style and the actual wordings of the Prophet on the basis of the six canonical collections. To test such a hypothesis would not be worth the effort, either in the eyes of scholars who presume that the *isnād*s are generally unreliable or in the eyes of the scholars who reckon with the possibility that *isnād*s can be both reliable and unreliable, because for both groups of scholars the negative result of such an experiment is predictable. Berg's experiment thus tries to check a hypothesis that is taken seriously by only a few Western scholars.

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[114] Berg, *The Development of Exegesis*, 138–139.
[115] Berg, *The Development of Exegesis*, 139.
[116] Berg, *The Development of Exegesis*, 139.
[117] Berg, *The Development of Exegesis*, 141.

Besides, the negative result of his experiment will not come as a surprise to scholars who hold the middle ground. They can even point to the fact that such a result is predictable on the basis of their studies and of *isnād* analysis. Already at the beginning of the 20th century, F. Schwally suspected that the inconsistency of the exegetical teachings ascribed to Ibn ʿAbbās results from the fact that much was falsely ascribed to Ibn ʿAbbās by generations that followed his own pupils.[118]

Horst, who is classified by Berg among the non-skeptics because "he relies primarily on ascription,"[119] rejected as certainly inauthentic the exegetical traditions which, via Ibn Jurayj, go directly back to Ibn ʿAbbās.[120] That means that Ibn Jurayj (d. 150/767), who belongs to the second generation after Ibn ʿAbbās, or someone after Ibn Jurayj must be responsible for these traditions. This is a single strand *isnād* in al-Ṭabarī's *Tafsīr*, according to Juynboll's terminology. Horst also doubts another single strand *isnād*, namely that transmitted by al-Ṭabarī from Muḥammad b. Saʿd (d. 276/888). Horst's reason for suspecting this *isnād*, which is one of the most frequently quoted *isnād*s going back to Ibn ʿAbbās in al-Ṭabarī's *Tafsīr*, is that it is a family *isnād*, most of whose transmitters are unknown.[121] Horst suggests, it is true, that the *isnād*s going back to Ibn ʿAbbās via ʿAlī b. Abī Ṭalḥah (d. 120/737) may be reliable, but he is cautious and explicitly says "possibly reliable, because by them [these *isnād*s, H.M.] perhaps the *Tafsīr* of ʿAlī b. Abī Ṭalḥah was transmitted."[122] This *isnād* is a single strand *isnād* in al-Ṭabarī as well. Scholars who use the common link phenomenon for dating purposes would conclude from this evidence that the exegetical Ibn ʿAbbās traditions linked with these three *isnād*s can be dated only into the first half of the third/ninth century.[123]

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118 See F. Schwally, "Die muhammedanischen Quellen und die neuere christliche Forschung über den Ursprung der Offenbarungen und die Entstehung des Qorānbuches," in *Geschichte des Qorāns*, edited by Th. Nöldeke, F. Schwally, G. Bergsträsser, and O. Pretzl. 2nd rev. ed. (Leipzig: Dieterich, 1909–1938), 2:122–224, esp. 166–169. Berg, *The Development of Exegesis*, 132.

119 Berg, *The Development of Exegesis*, 66.

120 H. Horst, "Zur Überlieferung im Korankommentar aṭ-Ṭabarīs," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 103 (1953): 290–307, esp. 294–295, and 306.

121 Horst, "Zur Überlieferung," 294 and 306.

122 Horst, "Zur Überlieferung," 306 (my translation).

123 This may not be the last word on dating by common links. A systematic comparison with other sources may lead to earlier common links in these *isnād*s. Horst

Based on his study of the Tafsīr *Mujāhid*, Leemhuis suggests that "the raising of *isnād*s to *ṣaḥābah* and especially to Ibn ʿAbbās apparently started in the time of Warqāʾ,"[124] i.e. in the third generation after Ibn ʿAbbās. He therefore has some reservations about Horst's and Sezgin's opinion that ʿAlī b. Abī Ṭalḥah may "be considered as the one who fixed or had fixed in writing *tafsīr* material that belonged to an Ibn ʿAbbās tradition."[125] Marco Schöller in his study of *Tafsīr al-Kalbī* points out that at least part of it really goes back to al-Kalbī (d. 146/763) who was a contemporary of Warqāʾ. Schöller doubts, however, whether al-Kalbī's claim that his exegesis derives via Abū Ṣāliḥ from Ibn ʿAbbās can be corroborated.[126]

In my book *Die Anfänge der islamischen Jurisprudenz* I show that there is a trustworthy transmission of Ibn ʿAbbās's legal and exegetical opinions, namely that transmitted by Ibn Jurayj from his teacher ʿAṭāʾ b. Abī Rabāḥ preserved in ʿAbd al-Razzāq's *Muṣannaf*. However, it only contains a small quantity of *tafsīr* materials. Furthermore, I note that in Ibn Jurayj's transmissions not only ʿAṭāʾ but also other scholars known as important pupils of Ibn ʿAbbās refer to their master relatively rarely. They mostly content themselves with giving their own opinions. More important, however, is the finding that they do not quote Prophetic traditions from Ibn ʿAbbās, which is in striking contrast to the large number of 'Ibn ʿAbbās traditions found in the later collections.[127] I did not dare to conclude from this variance that the Ibn ʿAbbās traditions going back to the Prophet in the later collections are fabrications throughout as they have not been studied in detail. However, the variance gives rise to the suspicions that they could be later than the generation of Ibn ʿAbbās's pupils and that many opinions ascribed to Ibn ʿAbbās might also be later.[128]

is certainly too optimistic in assuming that "in Ibn ʿAbbās's *ḥadīth*s written notes are present, either written by himself or by his pupils on his authority." Horst, "Zur Überlieferung," 307.

[124] Leemhuis, "Origins and Early Development of the *tafsīr* Tradition," in *Approaches to the History of the Interpretation of the Qurʾān*, edited by Andrew Rippin (Oxford: Clarendon Press, 1988), 13–30, esp. 25. Berg, *The Development of Exegesis*, 134.

[125] Leemhuis, "Origins," 25.

[126] M. Schöller, "*Sīra* and *Tafsīr*: Muḥammad al-Kalbī on the Jews of Medīna," In *The Biography of Muḥammad: The Issue of the Sources*, edited by H. Motzki (Leiden: E.J. Brill, 2000), 18–48, especially 43.

[127] See Motzki, *Die Anfänge*, 128 [*Origins*, 140–141]; "The *Muṣannaf*," 14.

[128] This has been recognized by Muslim scholars themselves as early as the second half of the second/eighth century, i.e. in the fourth generation after Ibn ʿAbbās.

The above mentioned opinions of Schwally, Horst, Leemhuis and myself, who can partly be characterized as scholars seeking a middle ground, show that there are grounds for suspecting that a large number of the traditions ascribed to Ibn ʿAbbās may only have emerged from the generation that flourished after that of Ibn ʿAbbās's pupils.

Berg's experiment is further marred from the start by the inclusion of *isnād*s which are obviously unreliable, like those going back to Ibn ʿAbbās via Ibn Jubayr *aw* ʿIkrimah. The conjunction *aw* (or) indicates in *isnād*s that the transmitter using the word no longer remembers which of the two or more authorities mentioned was the real informant from whom the transmitter received the tradition. Such uncertainty and the naming of several informants connected with *aw* can be accepted when it occurs occasionally with a transmitter. When it is used systematically, however, as is the case with the *isnād*s referring to Ibn ʿAbbās via Ibn Jubayr *aw* ʿIkrimah, it arouses suspicion. If a transmitter generally does not remember his source, one cannot be confident that he properly transmitted the texts ascribed to his informants. Western scholars well acquainted with *isnād*s easily recognize *isnād*s like those ending in Ibn Jubayr *aw* ʿIkrimah *ʿan* (from) Ibn ʿAbbās as fakes. The transmitter responsible for them must have belonged to a generation after the pupils of Ibn ʿAbbās.[129]

Berg's experiment starts from the assumption that if the *isnād*s are reliable, then uniform stylistic profiles (fingerprints) must be observable either on the level of Ibn ʿAbbās or on the level of his pupils. However, if the hypothesis is correct that a large number of the traditions ascribed to Ibn ʿAbbās may have emerged only in the generations after that of Ibn ʿAbbās's pupils, then Berg's experiment can only prove that this hypothesis of the "middle ground scholars" is right or wrong, but not that the *isnād*s were fabricated throughout. A general statement about the *isnād*s would not be acceptable

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See Motzki, *Die Anfänge*, 128 n. 273 [*Origins*, 141 n. 274]; Schöller, "*Sīra* and *Tafsīr*," 43–44; and G. Schoeler, "Review of *The Eye of the Beholder: The Life of Muḥammad as Viewed by the Early Muslims: A Textual Analysis* by Uri Rubin," *Wiener Zeitschrift für die Kunde des Morgenlandes* 88 (1998): 213–227, esp. 225.

[129] Muḥammad b. Isḥāq (d. 150/767 or 151/768) is the common link in many of these *isnād*s (compare Horst, "Zur Überlieferung," 303). For this reason he or his informant Muḥammad b. Abī Muḥammad al-Anṣārī, who is virtually unknown (see Ibn Ḥajar, *Tahdhīb al-tahdhīb* (Hyderabad: Majlis dāʾirat al-maʿārif al-niẓāmīyah, 1325/1907–1327/1909), 9:433 [no. 709]), are the most likely candidates for having created the last part of these *isnād*s.

to those scholars because the *isnād*s may be reliable after the third or fourth generations after Ibn ʿAbbās.

The four hypotheses for possible outcomes of Berg's experiment have already been mentioned. In the first part of his analysis he compares "the distribution of exegetical devices found in Ibn ʿAbbās with those of the students and informants."[130] On the basis of the suppositions expressed by "middle ground scholars" regarding the Ibn ʿAbbās traditions, and given the fact that *isnād*s are included which are obviously fictitious, only scenarios III or IV[131] seem to be the likely outcomes. One cannot expect consistency of methodological devices between al-Ṭabarī's informants and Ibn ʿAbbās if a large number of the traditions originate from different people of a generation or two later than that of Ibn ʿAbbās's pupils. In the second part of his analysis Berg compares each of the informants' information with that provided for each of Ibn ʿAbbās's students in order to determine whether "the students' stylistic profiles are consistent when they come through different transmissions."[132] In view of the suppositions held by the "middle ground scholars" one can expect that the "b scenarios"[133] will be the outcome because consistency is unlikely in cases of traditions going back to several different "authors"/fabricators who ascribe them to Ibn ʿAbbās through different pupils of his.

It therefore does not come as a surprise to the "middle ground scholars" that scenarios III b or IV b are indeed the outcome of Berg's experiment and that "scenario IV b is the most plausible conclusion."[134] The conclusion that the *matn*s of the Ibn ʿAbbās traditions in al-Ṭabarī's *Tafsīr* "can be linked with neither Ibn ʿAbbās nor his students, Ibn Jubayr, ʿIkrimah, and Mujāhid"[135] is also acceptable to "middle ground scholars," albeit only in a less generalized form. A minor part may well go back to them, possibly just those

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[130] Berg, *The Development of Exegesis*, 139.

[131] In scenario III "the stylistic profiles of the students are consistent with that of Ibn ʿAbbās, but those of the informants are not." Scenario IV "has both the distributions of exegetical devices of the students of Ibn ʿAbbās and those of the informants of al-Ṭabarī at variance with that of Ibn ʿAbbās." Berg, *The Development of Exegesis*, 140–141.

[132] Berg, *The Development of Exegesis*, 139.

[133] The b scenarios suppose inconsistency of the respective stylistic profiles. Berg, *The Development of Exegesis*, 140–141.

[134] Berg, *The Development of Exegesis*, 207–208.

[135] Berg, *The Development of Exegesis*, 208.

transmissions that Berg excluded from his sample. The implications for the *isnād*s, however, which Berg sees in this outcome, cannot convince the "middle ground scholars." Berg's assumption that "inconsistency among the various stylistic profiles may mean that the *isnād*s are entirely arbitrary"[136] and his conclusion that "the *isnād*s are likely to have been fabricated"[137] are not conclusive, because his experiment only proves that the *isnād* levels of Ibn ʿAbbās and his pupils are not generally reliable. Conclusions about the other levels of the *isnād*s are not supported by Berg's data.

Berg's other even more general conclusions about the *isnād*s are not supported by his data either. He states: "if the *isnād*s of Ibn ʿAbbās's *ḥadīth*s are largely or completely spurious, the reliability of the *isnād*s of most exegetical *ḥadīth*s is in serious doubt." The generalizations, "*the isnād*s of Ibn ʿAbbās," i.e. also those not studied and, one step further, "most exegetical *ḥadīth*s," are as unacceptable as the final conclusion: "As a result, one must assume the inauthenticity of the information in such *isnād*s, not its authenticity, unless there are compelling reasons not to do so."[138] For the scholars who are not *a priori* convinced of the unreliability of the *isnād*s in general, there *are* compelling reasons not do so.

Berg concludes his data analysis with a paragraph on "the provenance and chronology of exegetical *ḥadīth*s." He writes:

> If the provenance of quranic exegesis examined here does not lie with Ibn ʿAbbās . . . nor with his students, an important question remains: how, when, and why did the 'fabricators' of these exegetical *ḥadīth*s produce their *matn*s and/or attach their *isnād*s?"[139]

The answers cannot be otherwise than speculative because Berg's data do not address these issues. My critical remarks will be no less speculative for that reason.

Berg suggests among other things that Schacht's theory "that legal *ḥadīth*s were projected back upon Successors, then Companions, and finally the Prophet himself seems applicable to exegetical *ḥadīth*s too." Schacht's theory would also account for the fabricated Ibn ʿAbbās traditions. Berg's data allow for the conclusion that "some later

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[136] Berg, *The Development of Exegesis*, 141.
[137] Berg, *The Development of Exegesis*, 208.
[138] Berg, *The Development of Exegesis*, 228.
[139] Berg, *The Development of Exegesis*, 208–209.

exegetes must have projected exegetical opinions back to Ibn ʿAbbās via these students," i.e. Ibn Jubayr, ʿIkrimah and Mujāhid.[140] One objection to this explanation, however, is that Schacht's back projection theory originally meant that the same opinion was first ascribed to a Successor and later to a Companion. In the case of the Ibn ʿAbbās traditions, that would mean that an exegetical opinion was first ascribed to Ibn Jubayr, for example, and later via Ibn Jubayr to Ibn ʿAbbās. The only way to see whether this really was the case is to carry out a comparative study of the traditions that ascribe exegetical opinions to Ibn ʿAbbās's pupils with the exegesis ascribed to Ibn ʿAbbās himself. Berg realises that this "needs to be done to confirm this suggestion,"[141] i.e. that Schacht's model accounts for the origin of the exegetical Ibn ʿAbbās traditions. Although the working of Schacht's model is not corroborated in this case by the data, Berg considers it "quite possible that when exegetical opinions were provided with *isnād*s, they were first ascribed to an earlier exegete, perhaps the ascriber's own teacher, later to the 'Companions' of Ibn ʿAbbās, and finally to Ibn ʿAbbās."[142] This may indeed be possible, but it could also be that some scholars equipped their exegetical opinions with complete *isnād*s going back to Ibn ʿAbbās via his alleged pupils. Further study is necessary to see what was actually the case, or whether perhaps both occurred.

In order to explain why back projection occurred at all Berg proposes Calder's theoretical "model for the development of the common link in legal *ḥadīth*s": "*isnād*s converge at the levels of the Successors and the Companions simply because of the shared respect for these early Muslims by all later (rival) groups and individuals."[143] This explanation is not convincing because the *isnād*s mostly do not converge in common links at the level of the Successors and Companions but at the levels before them.

Berg has shown that there are many exegetical traditions that are ascribed to Ibn ʿAbbās but that cannot go back to him. He then asks, "how this fabrication proceeded without comments?"[144] Berg rejects the argument of the scholars who deny that the whole *isnād*

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[140] Berg, *The Development of Exegesis*, 209.
[141] Berg, *The Development of Exegesis*, 210.
[142] Berg, *The Development of Exegesis*, 210.
[143] Berg, *The Development of Exegesis*, 210.
[144] Berg, *The Development of Exegesis*, 211.

system could be the result of fabrication because such a scenario presumes a conspiracy of all Muslim scholars. Berg's whole discussion is meaningless, however, because his data do not allow for the conclusion that the *isnād*s are generally fabricated, but only that many exegetical Ibn ʿAbbās traditions are only *ascribed* to him. Berg studied only the *isnād*s of eight of al-Ṭabarī's informants out of over 200 such informants going back to only four students of Ibn ʿAbbās's out of over 250 such students.[145] That traditions were fabricated is a fact that even Muslim scholars knew and admitted. There is no need to assume an overall conspiracy for the fabrication of exegetical Ibn ʿAbbās traditions and there is therefore no need for theories to prove its implausibility either. It is sufficient to explain, first, why some scholars may have been driven to ascribe exegetical opinions to Ibn ʿAbbās and, second, why this was accepted by other scholars. The first question can be answered by assuming with C. Gilliot that Ibn ʿAbbas reached a sort of mythic status in the course of time and by suggesting that under ʿAbbāsid rule it was political expediency that contributed to Ibn ʿAbbās's status, as Berg argues.[146] In contrast, one could also assume that there were already some exegetical traditions going back, rightly or wrongly, to Ibn ʿAbbās, which the "fabricators" were aware of and which they "copied," so to speak. Possibly all three explanations may be valid. Berg seems to take the third possibility into account when he states that "the historicity of Ibn ʿAbbās's exegetical activities led to the emergence of the [mythic, H.M.] status."[147] But he has no grounds for claiming that "if such authentic elements exist among the vast materials attributed to Ibn ʿAbbās, the genuine and the spurious cannot be distinguished from each other."[148] This claim derives only from his assumption, which is reflected in the conclusion of his study, that the *isnād*s of the Ibn ʿAbbās traditions are generally unreliable. This conclusion is too general and it is not supported by his data, as I have argued. Berg failed, with his method, to distinguish between genuine and spurious Ibn ʿAbbās traditions, but this does not necessarily exclude the possibility that other methods could succeed in distinguishing between them. Berg's statement that "Ibn ʿAbbās's

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[145] Berg, *The Development of Exegesis*, 145.
[146] Berg, *The Development of Exegesis*, 209 and 214.
[147] Berg, *The Development of Exegesis*, 214.
[148] Berg, *The Development of Exegesis*, 214.

actual exegesis (if it ever existed) must be assumed to be lost and that the extant material bearing his name is unauthentic"[149] is not proven by his study and remains an unsubstantiated claim.

At the end Berg tackles the issue "as to when this material was actually produced and when the *isnād*s were attached." He admits that "a determination is impossible from the data" of his study. Nevertheless, he considers it likely that the *isnād*s "were applied to this material," i.e. the exegetical opinions put under the authority of Ibn ʿAbbās, "some time after the influence of al-Shāfiʿī (d. 204/820) had spread from the legal realm to that of the exegetical realm."[150] Since Berg assumes that *isnād*s "were attached to material from the beginning of the third century of the Islamic calendar,"[151] he supposes a very rapid spread of al-Shāfiʿī's influence. However, the influence of al-Shāfiʿī's theories did not spread as quickly as Schacht claimed, at least not during the third/ninth century.[152]

Berg's assumption that the *isnād*s going back to Ibn ʿAbbās were attached to exegetical texts only from the third/ninth century onwards is, furthermore, contradicted by, for example, the exegetical traditions ascribed to Ibn ʿAbbās in ʿAbd al-Razzāq's (d. 211/826) *Muṣannaf* and his *Tafsīr*. Berg would probably argue that ʿAbd al-Razzāq is not the real author of these compilations and that they are the product of organic growth and were only later ascribed to him. Apart from the fact that this would be an unproven claim,[153] I have argued above that ʿAbd al-Razzāq's authorship and the issue of his informants is based on the same type of data as in al-Ṭabarī's case: *isnad*s and biographical traditions. Rejecting the authorship and the informants of the former but accepting them in the case of the latter is either arbitrary or based on debatable assumptions about a borderline of *isnād* reliability.

Berg justifies his dating by arguing that "any date significantly earlier would bring the production of *isnād*s for exegetical *ḥadīth*s close enough to the death dates of some of the students of Ibn ʿAbbās

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[149] Berg, *The Development of Exegesis*, 214.
[150] Berg, *The Development of Exegesis*, 215.
[151] Berg, *The Development of Exegesis*, 215.
[152] Compare W.B. Hallaq, *A History of Islamic Legal Theories. An Introduction to Sunni uṣūl al-fiqh* (Cambridge: Cambridge University Press, 1997), 30–32.
[153] The contrary is true as is shown in Motzki, "The Author and his Work in Islamic Literature of the First Centuries: The Case of ʿAbd al-Razzāq's *Muṣannaf*," *Jerusalem Studies in Arabic and Islam* 28 (2003): forthcoming.

that there might have been some living memory of these individuals and what they may or may not have said. My analyses of the data do not support such a scenario."[154] Thus, Berg claims that his analyses of the data suggest such a dating of the material. Yet the only dating that his analyses of the data allow is that many exegetical Ibn ʿAbbās traditions contained in al-Ṭabarī's *Tafsīr* must be later than the generation of Ibn ʿAbbās's pupils. The argument that they could not have been fabricated during the second/eighth century because, at that time, there might still have been information available about Ibn ʿAbbās's pupils and their teaching is not convincing. If there was an urge to ascribe texts to Ibn ʿAbbās, information about his pupils' teaching would not have prevented fabrication. Fabricators could defend themselves by arguing that some of the opinions ascribed to Ibn ʿAbbās were similar to those of his pupils and, if they wished to differ, the fabricators could explain the *ikhtilāf* by claiming that the pupils sometimes had others opinions than their teacher and that they had also differed among themselves.

Berg concludes his book with the questions: "Did someone named Ibn ʿAbbās ever say anything about the Qurʾān? And if there was [*sic*], is any of it preserved or discernible?" Berg's answer is: "We do not know and we may never know."[155] As I have argued above, such a general conclusion is not supported by his analysis of the data. Is an answer definitely impossible? The failure of Berg's experiment notwithstanding, there are several reasons to seek a solution by investigating the Ibn ʿAbbās traditions further. The reasons are the following:

1) The assumption that the *isnād*s are generally unreliable has not been proven yet.
2) The relation between *isnād*s and *matn*s from the generation following Ibn ʿAbbās's pupils until al-Ṭabarī and other collectors, for example, the much earlier ʿAbd al-Razzāq, has not yet been studied systematically.
3) The relation between the exegetical opinions ascribed to Ibn ʿAbbās's pupils and those ascribed to Ibn ʿAbbās himself has not yet been investigated.

[154] Berg, *The Development of Exegesis*, 215.
[155] Berg, *The Development of Exegesis*, 229–230.

4) A study of ʿAbd al-Razzāq's *Muṣannaf* suggests that there are, among the traditions of Ibn Jurayj, at least a few exegetical Ibn ʿAbbās traditions which really do go back to his pupil ʿAṭāʾ b. Abī Rabāḥ and which are not likely to have been fabricated by the latter. The same study, however, casts doubts on the reliability of the Ibn ʿAbbās traditions transmitted by Ibn Jurayj from ʿAṭāʾ al-Khurāsānī.[156] Exegetical traditions with this *isnād* are found in al-Ṭabarī's *Tafsīr* several times but are not included in Berg's sample. Thus, as opposed to Berg's conclusions from his experiment, one cannot exclude the possibility that opinions and traditions had already been falsely ascribed to Ibn ʿAbbās as early as the following generation.
5) Berg's analysis of Ibn ʿAbbās traditions in al-Ṭabarī's *Tafsīr* shows several patterns. When analyzing the distribution of stylistic devices in traditions ascribed to different pupils of Ibn ʿAbbās it becomes obvious that the Ibn Jubayr *aw* Ikrimah-*ḥadīth*s are very different from the Mujāhid-*ḥadīth*s, whereas the *ḥadīth*s ascribed to Ibn Jubayr and to Ikrimah are remarkably consistent. When studying the informants, consistency can also be observed between some informants who transmit Ibn Jubayr *aw* ʿIkrimah-*ḥadīth*s but not between all informants. Berg suggests as a possible explanation "that later transmitters had more influence in the production of the *ḥadīth*s and/or their *isnād*s."[157] If this was so, a more detailed *matn-cum-isnād*-analysis of the traditions in question may be able to determine which transmitters are responsible for which exegetical devices and for which *isnād*s. In this way consistencies and inconsistencies could perhaps be explained. Such an analysis must precisely follow the traditions from the level of al-Ṭabarī's informants downwards to the level of Ibn ʿAbbās's pupils, and compare the different strands of *matn*s and *isnād*s with each other on every level of transmitters. Furthermore, these traditions could be compared to similar ones in earlier collections, for example ʿAbd al-Razzāq's *Tafsīr*, in order to establish and date any differences that might be found. This could give us at least an impression of how the exegetical Ibn ʿAbbās traditions developed in style and content and it could consequently indicate earlier and later textual elements.

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[156] See note 86 above.
[157] Berg, *The Development of Exegesis*, 190.

At the end of his book Berg suspects that his conclusions will probably fail to convince both sanguine scholars and skeptics, i.e. no one will be convinced, because the former will not accept his assumptions and the latter will not accept his methods. He would have been more fortunate if he had allowed for the category of middle ground scholars. They can at least accept part of his assumptions, methods and conclusions. Yet they too will reject assumptions that are unsubstantiated or inconsistent, and generalizing conclusions that are not supported by the data studied.

IV. *Summary*

This article argues that Berg's study *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* is not convincing. Several reasons are given for rejecting the claims that there are only two possible positions in Western research on early Islam, i.e. that of the skeptics and that of the non-skeptics, that the arguments of both sides of the debate are circular, and that the choice is only between presupposing the reliability of *isnād*s and presupposing their spuriousness. Furthermore, I argue that the conclusions which the author draws from his study of exegetical traditions about the *ḥadīth*s and *isnād*s in general and the development of exegesis in early Islam in particular are too generalized and not corroborated by the data studied.

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COMPETING PARADIGMS IN THE STUDY OF ISLAMIC ORIGINS: QUR᾿ĀN 15:89–91 AND THE VALUE OF *ISNĀD*S

Herbert Berg

I. *Introduction*

Serious doubts have been raised about the authenticity of *ḥadīth*s, historical, exegetical, and legal, by such scholars as Goldziher, Schacht, and Wansbrough.[1] This skepticism has led to a radical reinterpretation of Islamic origins that is vehemently rejected by Muslim and most non-Muslim scholars. Essentially, all that we know or thought we knew about Muhammad, the Qur᾿ān, and early Muslims is seen as "salvation history" reflecting the situation of later Muslims and having no discernible historical truth. In the past scholars such as Abbott, Sezgin, and Azami have argued that despite the fact that there is virtually no extant written material from the first two centuries of Islam, the later collections of the third and fourth centuries contain an accurate record of the past. In support of this claim, these scholars argue for an early and continuous written tradition that is attested by the *isnād*s attached to *matn*s or larger works and thus guarantees their authenticity.[2] Since for skeptical scholars it is

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[1] Their most important works in this regard are: Ignaz Goldziher, *Muslim Studies (Muhammedanische Studien)*, edited by S.M. Stern, translated by C.R. Barber and S.M. Stern, 2 vols. (London: George Allen and Unwin, 1971); Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, 3rd rev. ed. (Oxford: Clarendon Press, 1959); John Wansbrough, *Quranic Studies: Sources and Methods of Scriptural Interpretation* (Oxford: Oxford University Press, 1977); and Wansbrough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford: Oxford University Press, 1978). For a discussion of their methods and theories, see Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Richmond, Surrey: Curzon, 2000), 9–12, 12–17, and 78–83, respectively.

[2] Nabia Abbott, *Studies in Arabic Literary Papyri II: Qur᾿ānic Commentary and Tradition* (Chicago: The University of Chicago Press, 1967), 5–83; Faut Sezgin, *Geschichte des arabischen Schrifttums, Band I: Qur᾿ānwissenschaften, Hadith, Geschichte, Fiqh, Dogmatik, Mystik bis ca. 430 H.* (Leiden: E.J. Brill, 1967), 58–83; Mohammad Mustafa Azami, *On Schacht's Origins of Muhammadan Jurisprudence* (Riyadh: King Saud University, 1985); and Azami, *Studies in Early Hadith Literature: With a Critical Edition of Some Early Texts*,

precisely the validity of *isnād*s that is questioned, the argument of Abbott, Sezgin, Azami, and others is hardly convincing: it is an argument based almost solely on ascription. In recent years, using far more sophisticated methods scholars, such as Stauth, Motzki, and Schoeler,[3] have tried to prove that Wansbrough and Schacht went too far. These more sanguine scholars collect all the extant versions of related *ḥadīth*s and by examining both the *matn*s (using methods such as redaction criticism) and the *isnād*s (using *ʿilm al-rijāl*), they reconstruct progressively earlier versions of the *matn*s until they find an *Urtext*, which is often contemporary with Muḥammad or his Companions. In so doing, they believe that they have conclusively shown that *ḥadīth*s are largely authentic.

3rd ed. (Indianapolis: American Trust Publications, 1992). For a discussion of their methods and theories, see Berg, *The Development of Exegesis in Early Islam*, 18–21, 21–23, and 23–26, respectively.

[3] Each of these scholars has a different approach and studies different materials. Stauth compares the *isnād*s and *matn*s of the *tafsīr* of Mujāhid as preserved in an independent work attributed to him, in al-Ṭabarī's *Tafsīr*, and in several other works. He concludes that they share an *Urtext*, though it cannot be reconstructed. Georg Stauth, *Die Überlieferung des Korankommentars Muǧāhid b. Ǧabrs* (Ph.D. dissertation, Universität Gießen, 1969). For a discussion of the problems with his conclusion, see Berg, "Weaknesses in the Arguments for the Early Dating of *tafsīr*," in *With Reverence for the Word: Medieval Scriptural Exegesis in Judaism, Christianity, and Islam*, edited by Jane D. McAuliffe *et al.* (Oxford: Oxford University Press, 2003), 332–338.

Motzki compares a vast number of *ḥadīth*s contained within the *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī. He argues that the great diversity of the informants named in the *isnād*s and of the contents of the *matn*s belie the suggestion that these *ḥadīth*s were systematically forged. Harald Motzki, "The *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī as a Source of Authentic *aḥādīth* of the First Century A.H." *Journal of Near Eastern Studies* 50 (1991): 1–21. See also Berg, *The Development of Exegesis in Early Islam*, 36–38.

Schoeler examines the *iqraʾ* stories and the *ḥadīth al-ifk* as contained in numerous works. By examining the *isnād*s and the *matn*s, he concludes: that the former originated in the *qaṣṣ* format and was later reworked into *ḥadith*-format after which it was paraphrased, shortened, adorned, and rearranged; and that the latter's main features reflect what really happened. Gregor Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Muhammeds* (Berlin: Walter de Gruyter, 1996). See also Berg, Review of *Charakter und Authentie*, *Journal of the American Oriental Society*, 119 (1999): 315–7.

Muranyi and Versteegh could be added to this list. However, instead of examining *isnād*s and *matn*s, the former examines *riwāyah*s and *kitāb*s. For an example of this, see below, Miklos Muranyi, "A Unique Manuscript from Kairouan in the British Library," 325–368. The latter suggests that, while the nature of transmission in the early centuries of Islam makes a reconstruction of Ibn ʿAbbās's *tafsīr* impossible, "elements" from that teaching are discernable. C.H.M. Versteegh, *Arabic Grammar and Qurʾānic Exegesis in Early Islam* (Leiden: E.J. Brill, 1993), 59 and 203. See also Andrew Rippin, "Studying Early *tafsīr* Texts," *Der Islam* 72 (1996): 310–23.

Yet skeptical scholars remain unconvinced much to the chagrin of their sanguine colleagues.[4] Neither side seems to be able to convince the other and both seem perplexed, even exasperated, with each other. In this article I will demonstrate that these two sets of scholars are operating with two different and mutually exclusive paradigms, and that there is little hope of one side convincing the other. To do so, I will analyze the exegetical and historical *ḥadīth*s associated with Qurʾān 15:90–91 using both paradigms. I will show that each paradigm produces results that are consistent with that paradigm and so confirm it. The goal is not to convince one side that the other is correct, nor to seek a middleground between the skeptical and the sanguine approaches. Rather, I hope to demonstrate of how and why the two sides disagree, and why, most likely the twain shall never meet. It would seem, however, that a consensus is forming in support of the sanguine scholars, leaving (at least in the minds of the former) the burden of proof with the skeptical scholars. Even so, I will also argue that if we use Christian origins as a model, even the sanguine approach does not allow us to determine Islamic origins with any certainty.

[4] Some prefer the terms "revisionists" and "traditionalists." J. Koren and Y.D. Nevo, "Methodological Approaches to Islamic Studies," *Der Islam* 68 (1991): 87–107. These terms focus on the results of the studies. I prefer the terms "skeptical" and "sanguine" because they focus on the approaches themselves, not the results of the approaches. Even so, the distinction between skeptical scholars and sanguine scholars is not always clear. The skeptics clearly include those who are sometimes called revisionists (for example, Wansbrough). I normally include Goldziher and Schacht in this category as well. One could argue that because both accepted that some *ḥadīth*s are genuine, that they belong with the sanguine scholars. However, given the *standards of their day*, they were profoundly skeptical of the sources. As for the terms "sanguine," I do not mean to suggest that these scholars are not critical. They are normally critical and often skeptical of the sources and so must be distinguished from "ascriptionists" (for example, Sezgin). Rather, I use the term to those who remain optimistic that "what really happened" can be discerned from the extant sources. Nor do I mean to suggest that these are two (or three, if ascriptionists are included) distinct "camps." There is a great variety of approaches and so scholars form more of a "continuum," with skeptics (or revisionists) at one end, ascriptionists at the other, and sanguine scholars somewhere in between. One of the arguments I have made before is that at least in terms of results, but also somewhat in terms of methods, sanguine scholars are much closer to the ascriptionists than they are to the skeptics, so much so that I questioned whether really was a "middleground" at all. Berg, *The Development of Exegesis in Early Islam*, 50. For another perspective on these labels and the motivation for the discussion in this note, see above Harald Motzki, "The Question of the Authenticity of Muslim Traditions Reconsidered," 211–257.

II. *Sanguine Approach*

The sanguine approach is clearly not as optimistic as the method of ascription used by Abbott, Sezgin, and Azami. Sanguine scholars do not assume that the materials in *ḥadīth*s are completely trustworthy. However, this approach assumes that, when the information in the *isnād*s is compared with that of the *matn*s to which they are attached, the reliable, altered and fabricated materials can be discerned. In the process, the redaction of the *matn*s as they were transmitted and even alterations and fabrications of their *isnād*s can often also be discovered. A fairly large group of related *ḥadīth*s, usually from several different sources and with as many different lines of transmission helps. So too does any information in the *rijāl* literature about the transmitters. Of particular note is a common link[5]—a transmitter named in several *isnād*s with closely related *matn*s who as a result seems to have transmitted the *matn* to several later transmitters. While for some scholars, the common link is the person who likely originated or invented the *matn* and then circulated it,[6] Motzki has argued that the assumption of forgery by the common link is often unwarranted. When a large number of related *ḥadīth*s is examined, pecu-

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[5] Even early *muḥaddith*s were aware of converging *isnād*s and the problems they posed. See for example, Eerik Dickinson, *The Development of Early Sunnite Hadith Criticism: The* Taqdima *of Ibn Abi Hatim al-Razi (240/854–327/938)* (Leiden: Brill, 2001), 124. However, it was Schacht who forcefully argued that a common link should be seen as the *terminius a quo* for the appearance of the *ḥadīth*. Schacht, *The Origins of Muhammadan Jurisprudence*, 170–175. For a critique, see Azami, *Studies in Early Hadith Literature*, 234.

[6] Of course, this is the view of Schacht, but is shared in large part by Juynboll, though the latter tends to somewhat less negative about the role of the common link. See, for example, G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Ḥadīth* (Cambridge: Cambridge University Press, 1983), 206–217. Juynboll also draws distinctions between the common link found commonly in legal *ḥadīth*s and the inverted common link found more commonly in historical *ḥadīth*s. The latter are argued to be much more reliable. Juynboll, "Some Thoughts on Early Muslim Historiography," *Bibliotheca Orientalis* 49 (1992): 685–691. However, he is much more skeptical about determining the provenance of *ḥadīth*s with the "spider pattern," which exhibits many branches and many levels. Juynboll, "Nāfiʿ, the *mawlā* of Ibn ʿUmar, and his Position in Muslim *Ḥadīth* Literature," *Der Islam* 70 (1993): 214–215.

Calder is much more skeptical. A common link cannot even tell us who first circulated the *matn*. Instead, because of the invented *isnād*s and *matn*s caused by inter-school rivalries, the common link is no more than the locus of controversy—a common authority appealed to or attacked by the various disputants. Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), 237.

liarities within groups of those *ḥadīth*s seems to suggest that there is generally a close connection between *isnād*s and *matn*s. This connection in turn suggests "that the common link is the result of a real transmission process."[7] Thus, the common link should be viewed as a common source for, not the originator of, the *matn*. As for the reliability of the information contained in the *isnād* prior to the common link, Motzki states that it would be more methodologically accurate to say, "There is no way to ascertain that the single strand of the *isnād* which reaches back from the common link to earlier transmitters or authorities is historically reliable."[8] However, unless there is some evidence against its reliability, there are no grounds for simply assuming that the *isnād* is unreliable.

Therefore, though the sanguine scholars often come to conclusions that confirm some the claims made by those who simply use the method of ascription, the similarity in results should does not suggest that the methods are the same.

II.1 *An Example: Qurʾān 15:89–91*

Qurʾān 15:89–91 reads "And say, 'I am the clear warner.' Just as We sent down on[9] the partitioners who made the Qurʾān into fragments." The identity of the partitioners, the *muqtasimīn*, and the meaning of *ʿiḍīn*, tentatively translated as "fragments,"[10] are ambiguous. The exegesis of this passage focuses on these two terms, but what

[7] He continues, "The assumption of forgery would mean that the forgers not only fabricated new *isnad*s but also accordingly changed the texts very systematically. Admittedly, this could be imagined, too, but it seems rather unlikely that this occurred on a large scale." Motzki, "The Collection of the Qurʾān: A Reconsideration of Western Views in Light of Recent Methodological Developments," *Der Islam* 78 (2001): 28.

[8] Motzki, "The Collection of the Qurʾān," 30.

[9] "We sent down on" (*anzalna ʿalā*) is also the phrase frequently associated with revelation and so might be translated as "We revealed to." See, for example, Qurʾān 2:231, 3:3 3:7, 39:41, and 59:21. However, it is also used in connection with God's sending down of other things from the heavens. See, for example, Qurʾān 22:5 and 41:39 (rain), 30:35 (authority), and 2:57 (quails and manna). Because of this ambiguity, I have rendered it somewhat more literally.

[10] Lane's *Lexicon* is of little help with this word. His discussion of it is based on its use in Qurʾān 15:91 and its explication in various *tafsīr*s. E.W. Lane, *An Arabic-English Lexicon*, edited by Stanley Lane-Poole (London: Williams and Norgate, 1863–93), s.v. *ʿ.ḍ.h.* and *ʿ.ḍ.w.* See also Abū ʿUbayd al-Qāsim b. Sallām al-Hawarī, *Gharīb-ul-Hadīth* (Hyderabad: Osmania Oriental Publications Bureau, 1385/1966), 3:180–181.

emerges is three distinct, and largely mutually exclusive, interpretations of them. The most common and well-attested identifies the *muqtasimīn* as People of the Book or Jews and Christians. Their act of partitioning is generally said to consist of believing in some of it and disbelieving in some of it (the antecedent being the Qurʾān, the Book, the Torah and/or the Gospel). The *muqtasimīn* are also identified as non-Muslim Qurashīs who slander the Qurʾān. A third interpretation identifies the *muqtasimīn* as the disbelievers of the prophet Ṣāliḥ's community.

Table 1 outlines the key phrases and concepts used in the exegesis of this passage. Most of the *ḥadīth*s are drawn from al-Ṭabarī's *Tafsīr*, but it also includes *ḥadīth*s from Sufyān al-Thawrī's *Tafsīr*, Mujāhid's *Tafsīr*, Muqātil's *Tafsīr*, al-ʿAyyāshī's *Tafsīr*, ʿAbd al-Razzāq's *Muṣannaf*, Bukhārī's *Ṣaḥīḥ*, and Ibn Isḥāq's *Sīrah* and his *Siyar wa-al-maghāzī*.[11] While this is not an exhaustive search of literature, it is sufficient to highlight the methods of the sanguine approach. Diagrams 1 through 5 illustrate the *isnād*s of those *ḥadīth*s and the numbers at the top of them refer to phrases and concepts listed in Table 1.

[11] Abū Jaʿfar Muḥammad b. Jarīr al-Ṭabarī, *Tafsīr al-Ṭabarī al-musammā Jāmiʿ al-bayān fī taʾwīl al-Qurʾān*, (Beirut: Dār al-kutub al-ʿilmīyah, 1992). 7:543–547. Sufyān al-Thawrī b. Saʿīd Abū ʿAbd Allāh, *Tafsīr Sufyān al-Thawrī*, edited by Imtiyāz ʿAlī ʿArshī (1930. Reprinted, Beirut: Dār al-kutub al-ʿilmīyah, 1983/1403), 161–162. Mujāhid Abū al-Ḥajjāj b. Jabr al-Tābiʿī al-Makkī al-Makhzūmī, *Tafsīr Mujāhid*, edited by ʿAbd al-Raḥmān al-Ṭāhir Muḥammad al-Sūratī, (Qatar, 1976. Reprinted, Beirut: al-Manshūrāt al-ʿilmīyah, n.d.), 1:419. Muqātil Abū al-Ḥasan b. Sulaymān al-Bakhlī, *Tafsīr Muqātil ibn Sulaymān*, edited by ʿAbd Allāh Maḥmūd Shiḥātah, (Cairo: al-Hayʾah al-miṣrīyah al-ʿāmmah li-al-kitāb, 1989), 2:436–7. Muḥammad b. Masʿūd al-ʿAyyāshī, *al-Tafsīr* (Qumm: Muʿassasat al-biʿthah, 2000), 2:439. ʿAbd al-Razzāq b. Hammām al-Ṣanʿānī, *al-Muṣannaf*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: al-Maktab al-islāmī, 1983), 5:361. Abū ʿAbd Allāh Muḥammad b. Ismāʿīl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, edited by Qāsim al-Shammāʿī al-Rifāʿī (Beirut: Dār al-fikr, 1987), 6:431. ʿAbd al-Malik b. Hishām, *al-Sīrah al-nabawīyah*, edited by Muṣṭafā al-Saqqā, Ibrāhīm al-Abyādī, and ʿAbd al-Ḥāfiẓ Shalabī (Beirut: Dār al-Maʿrifah, n.d.), 1:270–272. Ibn Isḥāq, *Kitāb al-siyar wa-al-maghāzī*, edited by Suhayl Zakkār (Beirut: Dār al-fikr, 1978), 150–152. Muḥammad b. Masʿūd al-ʿAyyāshī, *al-Tafsīr* (Qumm: Muʾassasat al-biʿthah, 2000), 2:439.

Table 1: Key phrases and concepts

Theme 1

Who:

1) They are the Jews and the Christians
   - *hum al-yahūd wa-al-naṣārā*
2) They are the People of the Book
   - *hum ahl al-kitāb*
   - *ahl al-kitāb*

1 and 2) They are the Jews and the Christians of the People of the Book
   - *hum al-yahūd wa-al-naṣārā min ahl al-kitāb*

What they did:

3) They believed in some and they disbelieved in some
   - *āmanū bi-baʿḍin wa-kafarū bi-baʿḍin*
   - *fa-āmanū bi-baʿḍi-hi wa-kafarū bi-baʿḍi-hi*
   - *alladhīna āmanū bi-baʿḍin wa-kafarū bi-baʿḍin*
   - *yuʾminūna bi-baʿḍin wa-yakfirū bi-baʿḍin*
   - *āmanū bi-baʿḍi-hi wa-kafarū bi-baʿḍi-hi*
   - *aḥzāban fa-āmanū bi-baʿḍin wa-kafarū bi-baʿḍin*
4) They partitioned it
   - *jazzaʾū-hu*
   - *jazzaʾū-hu ajzāʾan*
5) And made it into many pieces
   - *fa-jaʿalū aʿḍāʾ aʿḍāʾ*
   - *fa-jaʿalū aʿḍāʾ*
   - *jaʿalū aʿḍāʾ*
   - *wa-jaʿalū-hu aʿḍāʾ*
   - *jaʿalū kitāba-hum aʿḍāʾ*
   - *fa-jaʿalū-hu ajzāʾ*
6) Like the parts of a slaughtered camel/sheep
   - *ka-aʿḍāʾ al-jazūr*
   - *ka-aʿḍāʾ al-shāh/ka-mā tuʿaḍḍā al-shāh.*
7) They used to mock, this one saying: "Sūrat al-Baqarah is for me," and this one saying: "Sūrat āl ʿImrān is for me"
   - *kānū yastahziʾūna yaqūlu hādhā: lī sūrat al-baqarah wa-yaqūlu hādhā: lī sūrat al-Āl ʿImrān*
8) They divided their Book
   - *qasamū kitāba-hum*
   - *qasamū al-kitāb*
9) They separated it
   - *fa-farraqū-hu*
   - *wa-farraqū-hu al-kitāb*
   - *firaqan*
   - *wa-hum farraqū al-Qurʾān*
   - *farraqū al-Qurʾān*

10) And they altered/divided it
- *wa-baddalū-hu*
- *wa-baddadū-hu*

11) They cut it [their book] up into books, each party with that which *wa-dhālika anna-hum taqaṭṭaʿū-hu zuburan, kullu ḥizbin bi-mā laday-him fariḥūn* (+ verse)

Theme 2

Who:

12) Those who made a mutual oath against Ṣāliḥ and Allāh
- *alladhīna taqāsamū bi-Ṣāliḥ* . . . [Qurʾān 27:48] . . . *taqāsamū bi-Allāh ḥattā balagha al-āyah*

What they did:

13) The singular of *ʿiḍīn* is *ʿuḍw* and it is inferred from their saying *ʿaḍḍayta al-shayʾ taʿḍiyatan* if you separate it just as Ruʾbah said, "the religion of God is not *muʿaḍḍā*" and means "separated". Likewise another said, "the tribe of ʿAwf *ʿaḍḍā*; as for their enemy, he satisfied; as for the might among them, it changed." By *ʿaḍḍā* he means "captured them and cut them into pieces."
- *fa-wajjaha qāʾilū hādhā al-maqāla qawla-hu "ʿiḍīn" ilā anna wāḥida-hā: ʿuḍw, wa-anna ʿiḍīn jamʿu-hu, wa-anna-hu maʾkhūdh min qawli-him ʿaḍḍayta al-shayʾ taʿḍiyatan: idhā faraqta-hu, ka-mā qāla Ruʾbah: "wa-laysa dīn Allāh bi-muʿaḍḍā" yaʿnī "bi-mufarraq". Wa-kamā qāla al-ākhar: "wa-ʿaḍḍā banī ʿAwf fa-ammā ʿadūwa-hum/fa-arḍā wa-ammā al-ʿizza min-hum fa-ghayyarā" yaʿnī bi-qawli-hi "wa-ʿaḍḍā": sabbā-hum wa-qaṭṭa ʿā-hum bi-alsinati-him*

Theme 3

Who:

14) A group of Qurashīs
- *raht khamsah min Quraysh*
- *al-mushrikūn min Quraysh*
- *Quraysh*

What they did:

15) They slandered the Qurʾān saying it is magic, poetry or madness (or soothesaying)
- *ʿaḍḍahū al-Qurʾān*
- *ʿaḍḍahū kitāb Allāh*
- *ʿaḍahū-hu wa-bahatū-hu*

16) Magic (poetry, soothsaying, possessed by jinn)
   - *siḥran*
   - *al-ʿaḍh al-siḥr bi-lisān Quraysh, taqūlu li-al-sāḥirah: inna-hā al-ʿāḍihah*
   - *wa-al-ʿiḍīn bi-lisān Quraysh al-siḥr, yuqālu li-al-sāḥirah al-ʿāḍihah*
   - *siḥran aʿḍāʾ al-kutub kullu-hā wa-Quraysh faraqū al-Qurʾān, qālū: huwa siḥr*
   - *hādhā siḥr wa-shiʿr*
   - *qāla baʿḍu-hum: kihānah. wa-qāla baʿḍu-hum: huwa siḥr. wa-qāla baʿḍu-hum: shiʿr. wa-qāla baʿḍu-hum: asāṭīr al-awwalīna iktataba-hā* [Qurʾān 25:5] . . . *al-āyah*
   - *fa-qāla baʿḍu-hum: sāhir. wa-qāla baʿḍu-hum: shāʿir. wa-qāla baʿḍu-hum: majnūn. fa-dhālika al-ʿiḍūn*
   - *zaʿama baʿḍu-hum anna-hu siḥr wa-zaʿama baʿḍu-hum anna-hu shiʿr wa-zaʿama baʿḍu-hum anna-hu kāhin*
17) al-Walīd b. al-Mughīrah
18) Interdicting the roads during the fair

Diagram 1: Abū Ẓabyān—Ibn ʿAbbās-*ḥadīths*

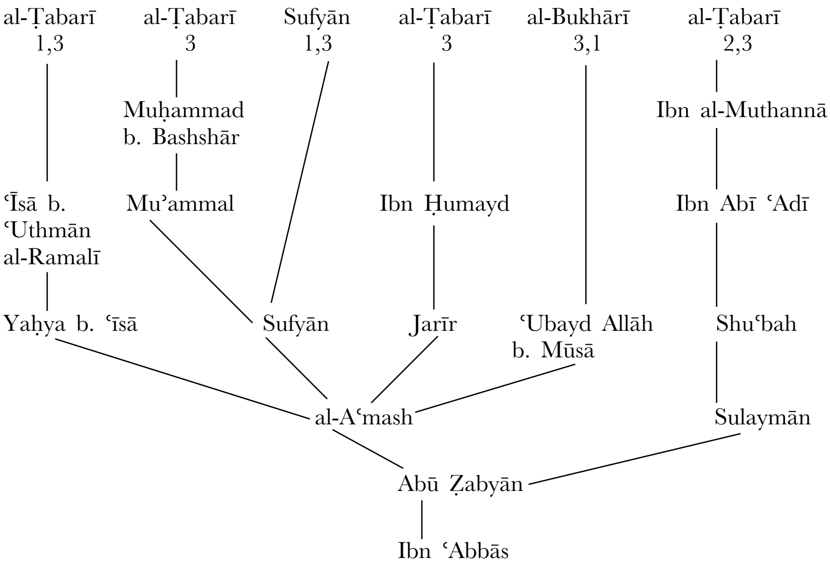


Diagram 2: Abū Bishr—Saʿīd b. Jubayr—(Ibn ʿAbbās)-*ḥadīths*

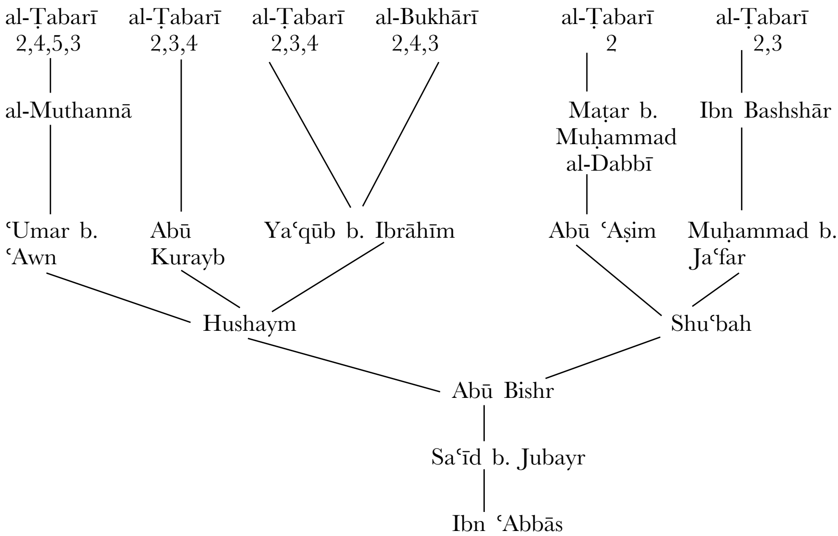


Diagram 3: Miscellaneous Ibn ʿAbbās-*ḥadīths*

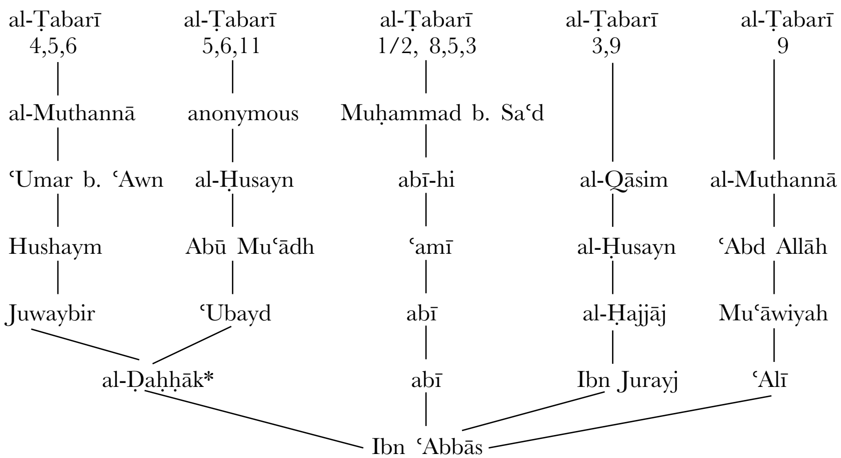


Diagram 4: Mujāhid-*ḥadīths*

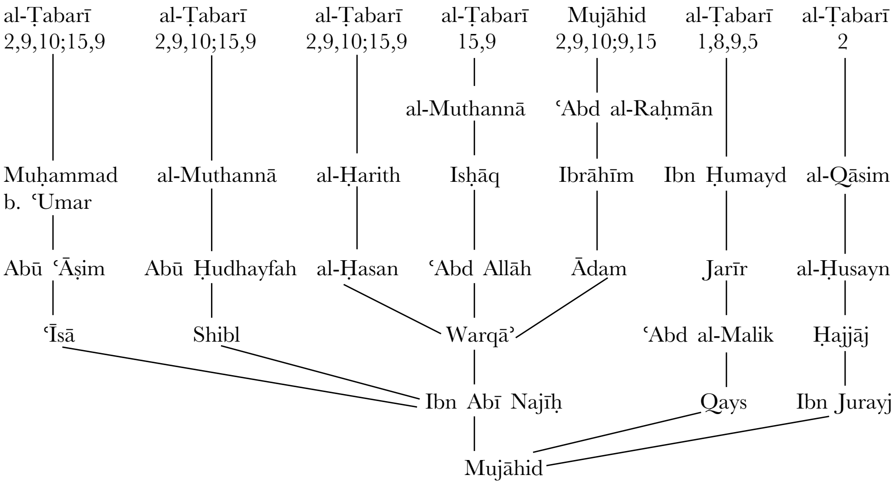


Diagram 5: ʿIkrimah *ḥadīths*

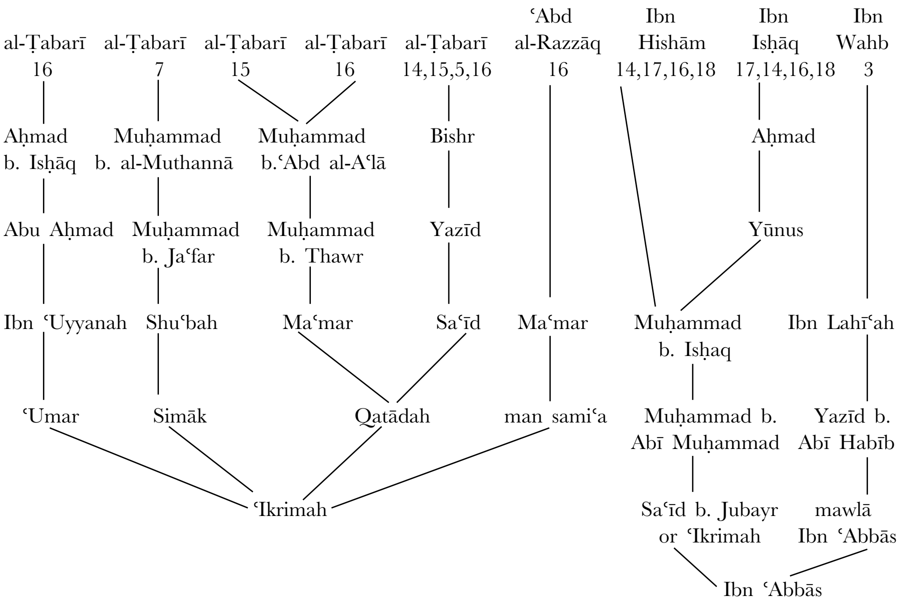


Diagram 6: Miscellaneous *ḥadīths*

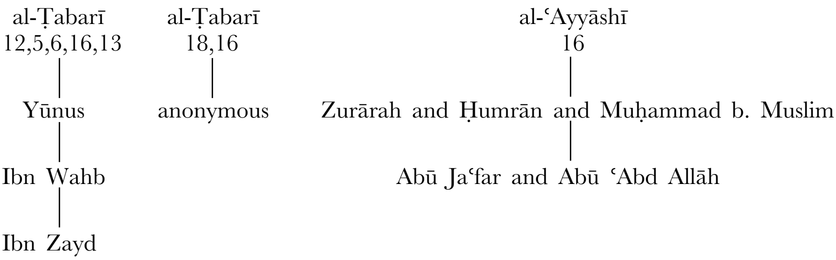


Diagram 1 shows that the Abū Ẓabyān—Ibn ʿAbbās—*ḥadīth*s are fairly consistent. Each one includes some variation of the phrase, "they believed in some of it and disbelieved in some of it." The common-link of Abū Ẓabyān would suggest that the origin of that expression could not be later than he. There is no reason however to believe that it does not go back to Ibn ʿAbbās himself. This assumption is supported by the *rijāl* reports of his reliability[12] and by the fact that most of the other major version of these *ḥadīth*s, those with the Abū Bishr—Saʿīd b. Jubayr—Ibn ʿAbbās—*isnād*s (as seen in Diagram 2), and some of the miscellaneous versions (as seen in Diagram 3) would indicate that Ibn ʿAbbās is the common-link. The minor variations consist only of pronouns, particles, and/or the tense of the verbs. This might suggest a combined written/oral transmission as argued by Schoeler.[13] Most of the *ḥadīth*s of Diagram 1 also include some reference to the identity of the *muqtasimīn*. The *ḥadīth*s with al-Aʿmash—Abū Ẓabyān—Ibn ʿAbbās—*isnād*s generally identify them as the Jews and the Christians. Those with Sulaymān—Abū Ẓabyān—Ibn ʿAbbās—*isnād*s and Abū Bishr—Saʿīd b. Jubayr—Ibn ʿAbbās—*isnād*s identify them as the People of the Book. This is hardly a big difference in terms of meaning, but certainly in terms of phraseology given the consistency. This difference may suggest that al-Aʿmash introduced the identification of *muqtasimīn* as the Jews

[12] See, for example, Muḥammad b. Saʿd, *Kitāb al-ṭabaqāt al-kubrā* (Beirut: Dār ṣādir, 1975), 2:365–371. Aḥmad b. Ḥajar al-ʿAsqalānī, *Tahdhīb al-tahdhīb*, edited by Muṣṭafā ʿAbd al-Qādir ʿAṭā (Beirut: Dār al-kutub al-ʿilmīyah, 1994), 5:245–248.

[13] Schoeler, "Die Frage der schriftlichen order mündlichen Überlieferung der Wissenschaften im frühen Islam," *Der Islam* 62 (1985): 201–30. For another perspective on oral transmission, with less optimistic consequences, see Calder, *Studies in Early Muslim Jurisprudence*, 161–180.

and Christians while Sulaymān and Abū Bishr introduced "People of the Book." More optimistically, one could argue that "People of the Book" goes back to Ibn ʿAbbās and that al-Aʿmash simply replaced it accidentally with what is essentially a synonym. The lack of consistency indicates that later transmitters, though probably relying on some form of written transmission, were occasionally less than accurate or complete in their transmission or copying and still felt free to engage in some redaction of the material.

Diagram 2 depicts a more complex transmission history of the material from Ibn ʿAbbās and/or Saʿīd b. Jubayr. As I mentioned earlier, the partitioning of the *muqtasimīn* consists in believing in some of it and disbelieving in some of it. Only the *ḥadīth* transmitted by Abū ʿĀṣim fails to use that expression, suggesting that he or Maṭar b. Muḥammad dropped it, especially since Muḥammad b. Jaʿfar who, like Abū ʿĀṣim transmits from Shuʿbah, retains it. Likewise, Hushaym[14] seems responsible for several innovations. First, he seems to have introduced the phrases "they partitioned [*jazzaʾū-hu*] it and made it into many pieces." If his teacher Abū Bishr knew of it, he does not seem to have transmitted to his other students nor do other significant branches of transmission include it. On the other hand, the same phrases occur in a *ḥadīth* with a al-Daḥḥāk—Ibn ʿAbbās—*isnād* also transmitted by Hushaym and his student ʿUmar b. ʿAwn (Diagram 3). In fact, this latter *ḥadīth* suggests that ʿUmar b. ʿAwn may be responsible for the latter half of the phrase, since the transmissions of Hushaym to Abū Kurayb and Yaʿqūb b. Ibrāhīm do not contain it. Second and most problematic is the fact that the Shuʿbah—Abū Bishr—Saʿīd b. Jubayr—*isnād*s do not go back to Ibn ʿAbbās while the Hushaym—Abū Bishr—Saʿīd b. Jubayr—Ibn ʿAbbās—*isnād*s obviously do. Hushaym seems to have repaired or raised the *isnād*, drawing on the greater authority of Ibn ʿAbbās. Thus it is not too surprising that the longer *isnād*s have the more elaborate *matn*s as well. The earlier argument that the phrases "they believed in some and the disbelieved in some" and "People of the Book" go all the way to Ibn ʿAbbās is somewhat undermined. Given this information in Diagram 2, Abū Bishr or perhaps Saʿīd b. Jubayr must be seen as the originator of those phrases.[15]

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[14] Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 11:53–56.

[15] However, Diagram 5 lists an independent *isnād* for a *ḥadīth* adduced by Ibn Wahb containing the phrase "they believed in some and the disbelieved in some."

Diagram 3 consists of mostly miscellaneous *isnād*s that go back to Ibn ʿAbbās. The phrase "like a slaughtered camel" seems to go back to al-Daḥḥāk, since he is the common-link. It is noteworthy that the *isnād* that lists Hushaym goes back to Ibn ʿAbbās though Juwaybir and al-Daḥḥāk while the other *isnād* that culminates with al-Daḥḥāk does not. Hushaym seems to have been consistently sloppy or deceptive when it came to *isnād*s. The *matn* with the family-*isnād* of Muḥammad b. Saʿd seems to be eclectic, including characteristic phrases not associated with Ibn ʿAbbās elsewhere. Doubts about the authenticity of this particular transmission abound and need not be addressed here.[16] The other two transmissions, those whose penultimate transmitters are Ibn Jurayj and Alī contain an element that seems to belong with the Mujāhid *ḥadīths* of Diagram 4.

The majority of the *ḥadīth*s of Diagram 4 are remarkably consistent. All the *ḥadīth*s with Ibn Abī Najīḥ—Mujāhid—*isnād*s, whether recorded in al-Ṭabarī's *Tafsīr* or Mujāhid's *Tafsīr* have all of the same elements, though one could question if this has been imposed on them since these *ḥadīth*s in al-Ṭabari's *Tafsīr* appear mostly as a single *matn* with multiple *isnād*s. The non-Ibn Abī Najīḥ transmission belie the apparent consistency. The *matn* from Ibn Jurayj also uses "People of the Book" but that from Qays does not. This might simply be the result of someone replacing the expression from "Jews and Christians," but the *ḥadīth* transmitted by Qays also contains two other non-Mujāhid elements. This fact suggests that this transmission is suspect. The lack of other elements in the Ibn Jurayj transmission might suggest that Ibn Abī Najīh, as the common-link, is responsible for suggesting that the partitioning consisted of altering the text, separating it, and/or slandering it. But it is equally arguable that all this material goes back to Mujāhid and that Ibn Jurayj merely transmitted part of what Mujāhid taught.[17]

In Diagrams 5 and 6 we have *ḥadīth*s that have radically different interpretations of these verses. The Yūnus—Ibn Wahb—Ibn Zayd—*ḥadīth*s suggest that the *muqtasimīn* are those who first opposed the prophet Ṣāliḥ, but when discussing *ʿiḍīn*, employ expressions used by other exegetes who saw the *muqtasimīn* as Jews and Christians or as

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[16] See, for example, Harris Birkeland, *Old Muslim Opposition against Interpretation of the Koran* (Oslo: Jacob Dybwad, 1955), 34–42.

[17] This latter conclusion concurs with Stauth's assessment of material attributed to Mujāhid. Stauth, "Die Überlieferung," 208–222.

non-Muslim Qurashīs. More interesting are the *ḥadīth*s of Diagram 5, which derived from ʿIkrimah. Most of these have elements that seem to be related to the explanation of these verses provided by Ibn Isḥāq:

> When the fair was due, a number of the Quraysh came to al-Walīd b. al-Mughīra, who was a man of some standing, and he addressed them in these words: 'The time of the fair has come around again and representatives of the Arabs will come to you and they will have heard about this fellow of yours, so agree upon an opinion without dispute so that none will give the lie to the other.' They replied, 'You give us your opinion about him.' He said, 'No, you speak and I will listen.' They said, 'He is a soothsayer.' He said, 'By God, he is not that, for he has not the unintelligent murmuring and rhymed speech of the soothsayer.' 'Then he is possessed [by jinn],' they said. 'No, he is not that,' he said, 'we have seen the possessed ones, and here is no choking, spasmodic movements and whispering." 'Then he is a poet,' they said. 'No, he is no poet, for we know poetry in all its forms and metres.' 'Then he is a sorcerer.' 'No, we have seen sorcerers and their sorcery, and here is no spitting and no knots.'[18] 'Then what are we to say, O Abū ʿAbd Shams?' they asked. He replied, 'By God his speech is sweet, his root is a palm-tree whose branches are fruitful, and every thing you have said would be known to be false. The nearest thing to the truth is you saying that he is a sorcerer, who has brought a message by which he separates a man from his father, or from his brother, or from his wife, or from his family.' At this point they left him, and began to sit on the paths which men take when they come to the fair. They warned everyone who passed them about Muḥammad's doings. God revealed concerning al-Walid: . . . [Qurʾān 74:11–16] . . . Then God revealed concerning the men who were with him, composing a term to describe the apostle and the revelation he brought from God, "Just as we sent down on the partitioners those who made the Qurʾān into pieces. By thy Lord, we will ask them about what they used to do." So these men began to spread this report about the apostle with everyone they met so that the Arabs went away from the fair knowing about the apostle, and he was talked about in the whole of Arabia.[19]

[18] See Qurʾān 113:4.

[19] Muḥammad b. Isḥāq, *The Life of Muḥammad: a Translation of Isḥāq's* Sīrat Rasūl Allāh, translated by A. Guillaume (Oxford: Oxford University Press, 1950), 121 (Ibn Hishām, *al-Sīrah al-nabawīyah*, 270–272). See also p. 130 where Muḥammad is again accused "of being a poet, sorcerer, diviner, and of being possessed," and pp. 135–136 where he is defended against these accusations.

The key concepts in this story include (1) the involvement of a group of Qurashīs, (2) the slandering of the Qurʾān, (3) the labeling of the Qurʾān as sorcery, poetry, soothsaying, and/or the ravings of one possessed by *jinn*, (4) the role of al-Walīd b. al-Mughīrah, and (5) the assumption that the partitioners were those who intercepted people on the road to the fair in Mecca. (These correspond to concepts 14 through 18 in Table 1.) Though al-Ṭabarī cites part of the story anonymously, at least five *ḥadīth*s, six if one counts the Ibn Zayd-*ḥadīth*, include some of the key concepts and so allude to it. Four of them are traced back to Qatādah or to ʿIkrimah through Qatādah in the *isnād*s. Unfortunately, there are not enough related *ḥadīth*s or similarities to determine who heard what from whom. However, Qatādah seems to be associated circulating the *muqtasimīn* as Qurashīs who slandered the Qurʾān (with *ʿiḍīn* meaning "slanders"), since he is the common link for two *ḥadīth*s with that explanation. He or someone else may have raised the *isnād* to ʿIkrimah. ʿIkrimah, on the other hand, seems most associated with equating *ʿiḍīn* with "sorcery." In particular, the wording and example employed in ʿAbd al-Razzāq's *Muṣannaf* and al-Ṭabari's *Tafsīr* for *ḥadīth*s containing ʿIkrimah and Maʿmar are so similar, that they must be related. The transmitter between the two is Qatādah with al-Ṭabarī and the anonymous, *man samiʿa* in ʿAbd al-Razzaq. Hence, this wording and example may be a product of Maʿmar, while the basic explanation goes back to ʿIkrimah. In the *Kitāb al-Siyar wa-al-maghāzī* Ibn Isḥāq's story is provided with an *isnād* that ends with Muḥammad b. Abī Muḥammad—Saʿīd b. Jubayr or ʿIkrimah—Ibn ʿAbbās. Without more comparisons nothing definitive can be said, but certainly the last portion of the *isnād* is suspect.

So, can any historical facts be reconstructed on the basis of these *ḥadīth*s using the sanguine approach? Despite al-Ṭabarī's best efforts, it is hard to believe that for Ibn ʿAbbās *muqtasimīn* could refer both to the Jews and the Christians, and to polytheist Meccans.[20] In favor of accepting the Ibn Isḥāq story is its specificity. It reads like an occasion of revelation story. The charges made by the Qurashīs are answered in the Qurʾān, which seems to attest to some event like the one described having occurred. Therefore, in the absence of some reason to doubt it, it could be accepted as largely accurate.

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[20] al-Ṭabarī, *Tafsīr*, 7:545–547.

The *isnād* that links it with Ibn ʿAbbās is not likely accurate, and besides, he was not yet born when these events would have occurred. Having not witnessed the events, Ibn ʿAbbās may well have thought the passage referred to Jews and Christians and speculated on the basis of other Qurʾānic passages that their partitioning of the Qurʾān took the form of believing some of it but not other parts of it. Later, in the course of oral transmission, transmitters redacted and tendentially shaped his statements for various theological reasons. Similarly, Mujāhid introduced the notion that the Christians and Jews separated the Qurʾān and slandered it. Finally, ʿIkrimah taught that they called the Qurʾān sorcery. ʿIkrimah may have been familiar with the story transmitted by Ibn Isḥāq and the interpretation of Ibn ʿAbbas and transmitted both. Mujāhid, also draws elements from Ibn Isḥāq, but seems much more consistently tied to seeing the culprits as Christians and Jews.

These conclusions suggest that both the *matn*s and the *isnād*s are generally reliable—after all, if the were not, these patterns would not be discernable. That is to say, there is a strong correlation between the variations in the *matn*s and the variations in the *isnād*s. This correlation seems to imply that the common links, upon which these comparisons are based, reflect that actual transmission of the *matn*s. Consequently, the sanguine scholars' trust in this approach and their paradigm seems vindicated.

III. *Skeptical Approach*

Skeptical scholars have a radically different approach. Since the historiographical existence of the seventh century Ḥijāz is entirely a creation of Muslim and Orientalist scholarship,[21] we can never know what really happened, but only what later Muslims thought, wanted to believe, or wanted others to believe, had happened.[22] This salvation history produced by later Muslims is literature, and the only way to study it properly is literary criticism. For example, the very presence of an *isnād*, itself merely a literary device, suggests that the

[21] John Wansbrough, *Res Ipsa Loquitur: History and Mimesis* (Jerusalem: The Israel Academy of Sciences and Humanities, 1987), 9. See also, pages 3–19 above.

[22] Koren and Nevo, "Methodological Approaches to Islamic Studies," 89.

ḥadīth only achieved its final form after 200 A.H., that is, after al-Shāfiʿī had championed the use of the *isnād*. So its presence tells us several things, but it does not and cannot tell us of the origin of the *matn* to which it is attached.[23]

III.1 *An Example: Qurʾān 15:89–91*

Proceeding with the assumption that *isnād*s provide no reliable information, we are left with simply a collection of various *matn*s that deal with Qurʾān 15:89–91. While the key concepts remain, no real patterns do. The vast majority of *matn*s state that the act of partitioning was the believing in some of the Qurʾān and disbelieving in other parts. The partitioners are the People of the Book or Jews and Christians. There is no significant consistency with in the *matn*s associated with Ibn ʿAbbās, and what we really seem to have is a general consensus having emerged regarding these verses, which were then supplied with various *isnād*s that went back to Ibn ʿAbbās. The mythic status of Ibn ʿAbbās as the Qurʾānic exegete *par excellence* makes him the most common choice as the originator of interpretations of the Qurʾān.[24] (The association of Ibn ʿAbbās with the Meccan account is similarly motivated.) Much the same can be said of the figure Mujāhid. The apparent consistency in the Mujāhid-*ḥadīth*s in Diagram 4 speaks to the possible dependency of the sources used

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[23] According to Wansbrough, the *isnād*s, even when used in *tafsīr* and *sīrah*, is a "halakhic embellishment [and] is, from the point of view of literary criticism, a superfluity." Wansbrough, *Quranic Studies*, 183. Rippin elaborates on this point as follows:

> The single most important element here is to recognize that the *isnād*, as a mechanism, came to be required at a certain point in Islamic history as the element that provided authenticity and validity to reports supposedly stemming from earlier authorities. The presence of *isnād*s automatically dates a report to the second century or later, at least in its final recension: it would always have been possible, after all, for a later editior to add an *isnād* to an earlier text in order to give validity. That is of course what happened with individual reports as found in all the *ḥadīth* collections; where an opinion is simply ascribed to a prominent scholar in an earlier text, in a later text an *isnād* is attached to the report, tracing the information back to one of the companions of Muḥammad and finally to Muḥammad. Andrew Rippin, "*Tafsīr Ibn ʿAbbās* and Criteria for Dating Early *Tafsīr* Texts," *Jerusalem Studies in Arabic and Islam* 18 (1995): 61.

In *tafsīr*, Ibn ʿAbbās may play a similar role. That is to say, he became the final authority in exegetical *ḥadīth*s. See Berg, *The Development of Exegesis in Early Islam*, 208–215.

[24] Claude Gilliot, "Portrait 'mythique' d'Ibn ʿAbbās," *Arabica* 32 (1985): 127–184.

by al-Ṭabarī and Ibn Shadhān (the final compiler of Mujāhid's *Tafsīr*) more than to any independency of several genuine transmissions.[25]

Thus we are left with two, seemingly mutually exclusive interpretations of these verses. Neither is inherently implausible: the non-Muslim Qurashīs are typically cast as being inimical to the Muslim scripture. An attempt to so destroy or desecrate the Qur'ān would therefore be in keeping with their portrayed hostility toward Muḥammad and his message. Likewise, the Christians and the Jews, particularly the latter who lived in Medina, are depicted as having a malicious contempt for the Qur'ān.[26] However, the two major interpretations, one which sees the *muqtasimīn* as the People of the Book and one which sees them as non-Muslim Meccans, is also perfectly in line with the paradigm of skeptical scholars particularly as outlined by Wansbrough.

Wansbrough argues that on the basis of function and style it is possible to distinguish between several types of qur'ānic exegesis. The first, haggadic (or narrative) exegesis is typified by the use of prophetic tradition, identification, anecdote, and circumstance of revelation.[27] The second, halakhic (or legal) exegesis uses analogy and abrogation. The third, masoretic (or textual) exegesis employs the variant reading of the Qur'ān, poetic exemplifications, and lexical and grammatical explanations.[28] These types of exegesis emerged chronologically in the order specified, and so allow at least the relative dating of texts and an alternative to dating texts by ascription.[29]

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[25] See Berg, "Weaknesses in the Arguments for the Early Dating of *tafsīr*," 329–345. Besides, there is only one phrase, "they altered it," (it is tempting to see it as a copyist error: *baddalū* for *baddadū*) that is unique to Mujāhid—and it appears only in the two most dependent transmissions.

[26] In fact, Wansbrough identifies "Jewish rejection of Muḥammad's revelation" as one of the standard *topoi* of the *sīrah*. Wansbrough, *The Sectarian Milieu*, 40. It is also in keeping with his suggestion that the Qur'ān emerged in a Judeo-Christian sectarian milieu.

[27] Wansbrough places circumstances of revelation material with the legal genre, but Rippin has persuasively argued that it should be considered narrative. Rippin, "The Function of *asbāb al-nuzūl* in Qur'ānic Exegesis," *Bulletin of the School of Oriental and African Studies* 51 (1988): 1–20.

[28] The fourth and fifth are rhetorical and allegorical exegesis. The final type was particularly popular in sectarian movements.

[29] Wansbrough, *Quranic Studies*, 121. For example, the lack of references to the Qur'ān and of other indications of a stable scriptural text in halakhic arguments suggests that the establishment of the Qur'ān as a source of law antedated and contributed to the canonization of a *ne varietur* text, rather than the other way around. Wansbrough, *Quranic Studies*, 202. That the Qur'ān could not have been

What does this all mean for the interpretations of Qurʾān 15:89–91? The interpretation that identifies the *muqtasimīn* with the People of the Book may be vestiges of the Judeo-Christian sectarian milieu in which the Qurʾān is thought to have emerged according to Wansbrough.[30] The techniques of identification and specification of the vague are among the earliest techniques used by exegetes and suggest an early origin. Later halakhic and masoretic elements were added. The former consists primarily of *isnād*s that linked these interpretations with earlier Muslims who were associated with exegesis. This may have been directly to Ibn ʿAbbās, the most respected certainly during early ʿAbbāsid times, or may have gradually grown backwards as the standards for authoritative *isnād*s increased. That the interpretation is itself early (and not relatively late like the *isnād*s attached to them) is suggested by the presence of this interpretation in the *Tafsīr* of Muqātil b. Sulaymān.

> They partitioned the Book: the Jews believed in the Torah and disbelieved in the Gospel and the Qurʾān; the Christians believed in the Gospel and disbelieved in the Qurʾān and the Torah. They partitioned it by believing some of what was revealed to them of the Book and disbelieving in some. Then [Allāh] described the Jews and Christians "*alladhīna jaʿalū al-Qurʾān ʿiḍīn*": they made the Qurʾān into pieces like the pieces of a slaughtered camel. They separated the Book and did not agree on the belief in all of the Book.[31]

For him, the *muqtasimīn* are the Jews and the Christians who received the Torah and the Gospel and we can see concepts 1, 3, 5, 6, and 9 from Table 1, with the same wording or in a somewhat more elaborate form. This longer, more narrative account or one much like it, may have served as the source for the later *ḥadīth*s attributed to others. That this wording is early is also evident in Abū ʿUbaydah, who glosses "[they] made the Qurʾān into fragments" with "'*aḍḍawu-hu aʿḍāʾ*, that is, the separated it into parts [*farraqū-hu firaq*]."[32] Variations of this wording appear later as key elements within the *ḥadīth*s ascribed to Mujāhid (see Diagram 4) and it is twice ascribed

canonized much before the emergence of masoretic exegesis is further supported by the characteristically masoretic practice of explicating the whole of the Qurʾān in its proper order. Wansbrough, *Quranic Studies*, 226.

[30] Wansbrough, *The Sectarian Milieu*, 1–49.

[31] Muqātil b. Sulaymān, *Tafsīr*, 2:436–7.

[32] Abū ʿUbaydah Maʿmar b. al-Muthannā al-Taymī, *Majāz al-Qurʾān*, edited by Muḥammad Fuʿād Sezgin (Cairo: Maktabat al-Khānji, [1954–62]), 1:355.

to Ibn ʿAbbās (see Diagram 3). Highlighting the arbitrariness of these *isnād*s, the only *isnād* to not ascribe this particular gloss to Mujāhid is al-Qāsim—al-Ḥusayn—al-Hajjāj—Ibn Jurayj, whereas this same *isnād* and only one other ascribe this gloss to Ibn ʿAbbās.

The more complete story that involves the Meccans is another matter. "The narrative is parabolic . . . by means of which the . . . scriptural terms were endowed with specific history."[33] The accusations of soothsayer, possessed, and poet in the episode seem to be historicizing Qur'ān 52:29–30, which reads "Proclaim, for by the blessing of your Lord, you are not a soothsayer, nor possessed of jinn. Or do they say 'a poet?'" These charges, along with that of sorcerer are referred to in about thirty Qur'ānic passages.[34] Thus, parallels with the Qur'ān suggest, not historical fact as the sanguine scholars argued, but narrative exegesis. Appended to this little anecdote are two Qur'ānic passages, including Qur'ān 15:89–91 which is said to have been "revealed concerning the men who were with him, composing a term to describe the apostle and the revelation he brought from God."[35] For this Qur'ānic passage the narrative serves as an

[33] Wansbrough, *Sectarian Milieu*, 11. See also pp. 2–3, where he distinguishes exegetical, "in which extracts (serial and isolated) from scripture provided the framework for extended *narratio*", parabolic, "in which the *narratio* was itself the framework for frequent if not continuous allusion to scripture", and paraphrastic, which "is characterized by the distribution of keywords (*Leitworte*)".

[34] This is the only passage in which three of them occur together and in the same order. Qur'ān 21:5, 36:39, 37:36, and 69:41–42 make reference to Muḥammad being a poet or the revelations being poetry, and 69:41–42 also to him being a soothsayer. Qur'ān 7:184, 15:6, 23:25, 34:8, 34:46, 37:36, 44:14, 51:52, 68:2, 68:51 and 81:22 deals with the accusation that he is possessed, and 10:2, 15:15, 17:47, 21:3, 25:8, 26:49, 27:13, 28:48, 34:43, 37:15, 38:4, 43:30, 46:7, 51:52, 54:2, 61:6, and 74:24 address those who associate him or the revelation with sorcery. The Qur'ān also employs these terms as means to prove the prophetic status of Muḥammad. Noah and Moses had also been accused of being possessed in 23:70, 54:9, 26:27, and 51:39, and Jesus, Ṣāliḥ, Shuʿayb, and particularly Moses are accused of practicing sorcery in 5:110, 26:153, 26:185, 7:107–120, 10:76–78, 17:101, 20:57–73, 26:34–46, 28:36, 28:48, 40:24, 43:49, and 51:39. This comparison is made explicitly in 28:28, but more often implicitly by the appearance of the accusation of a former prophet in one part of a *sūrah* and of Muḥammad in another part. See, for example, 10:2 and 10:77, 17:47 and 17:101, and 51:39 and 51:52.

[35] The other Qur'ānic passage that is adduced, Qur'ān 74:11–16, helps explain the presence of al-Walīd b. al-Mughīrah in the story. Several verses later (Qur'ān 72:24) the person under discussion in these verses is said to have dismissed the revelations as sorcery. Al-Walīd b. Mughīrah is fairly consistently identified as that person. See for example, al-Ṭabarī, *Tafsīr*, 12:304–310. He is also listed among the mockers (*al-mustahzi'ūn*) of the Quraysh. Muḥammad b. Ḥabīb al-Baghdādī, *Kitāb al-Munammaq fī akhbār Quraysh*, edited by Khūrshīd Aḥmad Fāriq (Hyderabad:

identification of the vague and as the occasion of revelation. However, this passage seems to be arbitrarily adduced, for it does not contain a keyword that would associate it with the preceding narrative.[36] Thus, the story is simply narrative exegesis on several verses and is part of the larger attempt to make an Arabian prophet. There are no historical facts in this story—at least none than that can be discerned.

Al-Farrāʾ has a similar account in his *Maʿānī al-Qurʾān*, which explains the connection between Qurʾān 15:89–91 and the story of Muḥammad's Qurashī opponents:

> "'I am the clear warner.' Just as We sent down on the partitioners." He is saying: I warned of what I sent down upon the partitioners. The partitioners are men from the people of Mecca. The people of Mecca sent them to the paths [to the city] during the days of the *ḥajj*. They said, "If the people ask you about the Prophet, say, 'He is a soothsayer.'" They said to some of them, "Say, 'He is a sorcerer,'" to some, "He is divided between the two," and to some, "Say, 'He is possessed by jinn [i.e., crazy].'" Allāh sent down a punishment upon them. They died, or five of them had an evil death. They are called partitioners *because they partitioned the roads of Mecca.*
>
> "Who made the Qurʾān into fragments." They divided it [*farraqū-hu*]. That is, they maintained that it was sorcery, a lie, and ancient tales. And *al-ʿidūna* in the speech of the Arabs is none other than "sorcery." It is said that *ʿaḍḍaw-hu*, that is, "they divided it [*farraqū-hu*]" just as sheep and the slaughter camel are *tuʿaḍḍaw*. The singular of *al-ʿiḍīn* is *ʿiḍah*, its nominative is *ʿiḍūn*, and its accusative and genitive are *ʿiḍīn*. And among the Arabs are those who put the letter *yāʾ* in all cases and vocalize the letter *nūn*. . . .[37]

Al-Farrāʾ clearly belongs to the later masoretic tradition, and so after the shift from situating Qurʾān 19:89–91, not in a Judeo-Christian milieu as Muqātil b. Sulaymān had, but in a Meccan milieu.

As for the linking of the story to the Prophet Ṣāliḥ, this is likely a development of masoretic exegesis. *Muqtasimīn* are seen as those

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Maṭbaʿat dāʾirat maʿārif al-ʿūthmānīyah, 1384/1964), 484–485; and Muḥammad b. al-Ḥasan b. Durayd, *al-Ishtiqāq*, edited by ʿAbd al-Salām Muḥammad Hārūn (Cairo: Muʾassasat al-Khanjī, 1378/1958), 98 [60] and 151 [94]. See also Muʾarrij b. ʿAmr al-Sadūsī, *Kitāb Ḥadhf min nasab Quraysh*, edited by Ṣalāḥ al-Dīn al-Munajjid (Cairo: Maktabat dār al-ʿurūbah, [1960]), 68.

[36] The verb *yufarriqu*, which could be considered synonymous with *yuqtasimu*, does appear, but it is a reference to Muḥammad's "sorcery" which separates family members.

[37] Abū Zakarīyā Yaḥyā b. Ziyād al-Farrāʾ, *Maʿānī al-Qurʾān*, edited by Aḥmad Yūsuf Najātī and Muḥammad ʿAlī al-Najjār (Cairo: Maṭbaʿat dār al-kutub al-miṣrīyah, 1955), 2:91–92.

who swore an oath as opposed to partitioners (since both have the same root). Most of the *ḥadīth*s have similarly been influenced by later masoretic exegesis. The word *ʿiḍīn* is understood to linked to the root *ʿ.ḍ.w.* with notions of either separating (for instance Ibn Hishām[38] and the Abū Zayd-*ḥadīth*) or slaughtering (and distributing the meat as with is several of the aforementioned *ḥadīth*s). The other seemingly equally arbitrary interpretation is to see *ʿiḍīn* derived from *ʿ.ḍ.h.* meaning "slander" or "uttering calumny." Therefore, early confusion about and speculation on the meaning word *ʿiḍīn* may well have precipitated all three interpretations of these verses, since this too might be the link between the verses and Ibn Isḥāq's narrative about the non-Muslim Meccans.

These conclusions about the origin of the elements in the extant *ḥadīth*s suggest that both the *matn*s and their *isnād*s cannot be used to glean any historical information. As a result, only a literary analysis, since all we have is literature, is the only viable approach to this material. This material for Qurʾān 15:90–91 also seems to confirm Wansbrough's paradigm, and so it too seems vindicated.

IV. *Counterarguments*

Sanguine scholars have two important counterarguments against the conclusions of their skeptical colleagues. The first of these suggests that, if the Qurʾān, the Sunnah, and the *sīrah* emerged as late and in the manner that the skeptics suggest, then we must assume that early Muslims engaged in a massive conspiracy to obscure what really happened. The second and more convincing counterargument attacks the skeptical scholar's assumption of the relatively late emergence of Islamic texts.

Wansbrough's historical reconstruction of early Islam also seems to require a conspiracy—one that is just too implausible for many scholars.[39] It seems impossible that fabrication could have occurred

[38] Ibn Hishām is recorded as saying that *ʿiḍīn*'s singular is *ʿiḍa*; that is, when one says *ʿaḍḍaw-hu*, one means "they separated it." His reading makes the phrase "those who made the *qurʾān ʿiḍīn*" a gloss of the term *muqtasimīn*. Ibn Isḥāq, *The Life of Muḥammad*, 122, n. 171.

[39] One can see this argument even as early as Azami's challenge to Schacht's skepticism. Azami argues that *ḥadīth* were transmitted by too many Muslims, from too many generations and in too many numerous regions of the Islamic empire for

on such a massive scale, without someone commenting on it (though others have suggested milieux in which such fabrication seems quite plausible).[40] Versteegh states the argument most succinctly:

> . . . one needs a conspiratorial view of the Islamic tradition, in which all scholars are assumed to have taken part in the same conspiracy to suppress the real sequence of events. . . . It may be true that sometimes an opinion becomes fashionable for religious, political or even social reasons, and is then taken over by most people. But the point here is that if one particular interpretation or point of view prevails, there are bound to be some dissenters and in important issues, such as the ones we are dealing with here, it is inconceivable that tradition could manage to suppress all dissenting views.[41]

Donner elaborates this argument by outlining three major weaknesses of the skeptical approach. One, despite the existence of competing orthodoxies in early Islam, they all agree on the main features of Islamic history. Two, the redactors that must have created the "standard orthodoxy" are unknown. And three, no dissenting views from that orthodoxy remain, which seems very unlikely.[42] He concludes, "[A] conspiracy so widespread and, above all, so totally successful, is highly implausible."[43] Similar sentiments are expressed by Motzki:

> This scenario of deliberate forgery, though possible, does not seem likely. It presupposes a high measure of "criminal energy" . . . which we should not impute to somebody if there is no sufficient evidence for it. And there is no such evidence except some elementary similarities in the *matn*s. However, these correspondences can also be

there to have been collusion. Azami, *Studies in Early Hadith Literature*, 130–47. Similar sentiments were expressed about Wansbrough's more radical conclusions. William A. Graham, Review of *Quranic Studies: Sources and Methods of Scriptural Interpretation* by John Wansbrough, *Journal of the American Oriental Society* 100 (1980): 140; and Fazlur Rahman, "Approaches to Islam in Religious Studies: Review Essay," in *Approaches to Islam in Religious Studies*, edited by R.C. Martin (Tucson: University of Arizona Press, 1985), 201.

[40] Schacht, *The Origins of Muhammadan Jurisprudence*, *passim*; Calder, *Studies in Early Muslim Jurisprudence*, 161–97 and 236–7; and Michael Cook, *Early Muslim Dogma: A Source Critical Study* (Cambridge: Cambridge University Press, 1981), 107–16.

[41] Versteegh, *Arabic Grammar*, 48. Motzki argues, "the assumption of forgery seems very manufactured . . . because it posits that a great number of transmitters and collectors of traditions must have used exactly the same procedure of forgery, although a number of other methods were theoretically possible." Motzki, "The Collection of the Qurʾān," 27.

[42] Fred M. Donner, *Narratives of Islamic Origins: The Beginnings of Islamic Historical Writing* (Princeton: Darwin Press, 1998), 27.

[43] Donner, *Narratives of Islamic Origins*, 283.

> explained otherwise, namely by the process of transmission; for example, by assuming that both texts derive from a common source or that they are accounts of the same event by different persons.[44]

In other words, while large-scale forgery is conceivable, the "conspiracy" or "criminal energy" required in such a scenario is not. A far simpler and more plausible explanation exists.

As I have argued elsewhere, if the choice were simply between historicity and conspiracy, the former would certainly seem more plausible.[45] However, the consensus on Islamic origins does not require collusion of temporally and geographically distant Muslims. When the traditions of Islam began to be recorded around 800 C.E. (the second half of the second century A.H.), it was done in a manner that those early Muslims believed (or needed to believe) that events had been. And in so doing, the beliefs became "facts". Wansbrough says "the language of a historical report is also the language of fiction. The difference between the two is a psychological assumption shared by writer and reader, and it is from that assumption that the historical report acquires significance, is deemed worthy of preservation and transmission".[46] Hence, there were no "truths" that had to be suppressed in favor of "falsehoods". The *ḥadīth*s that were preserved are the ones that the later community "knew" to be genuine. And, that which was preserved represents only a fraction of the oral/written literature that was extant in the early centuries of Islam.[47] The consensus came about by only recording (or, perhaps, only supplying with *isnād*s and hence authority) those pieces of the much vaster body of material that were appropriate or in accord with the perceptions or broad consensus of the Muslim scholars of that time. Any correlation between *matn* and *isnād* could have been introduced in subsequent transmission and fabrication.

This skeptical position is bolstered by the absence of extant texts from before 800 C.E. (the second half of the second century A.H.). Hence, the second counterargument from the sanguine school focuses

[44] Motzki, "The Prophet and the Cat: On Dating Mālik's *Muwaṭṭa'* and Legal Traditions," *Jerusalem Studies in Arabic and Islam* 22 (1998): 63. Speaking of a *ḥadīth* ascribed to Mālik b. Anas, he argues it is implausible that redactors from various parts of the Islamic world inserted this *ḥadīth*, then all concealed the true source by fabricating *isnād*s. Motzki, "The Prophet and the Cat," 34.

[45] Berg, *The Development of Exegesis*, 211–212.

[46] Wansbrough, *Sectarian Milieu*, 118–9.

[47] Calder, *Studies*, p. 161.

on this key date.[48] And, if the conclusions of Stauth about the exegetical *ḥadīth*s ascribed to Mujāhid, or those of Motzki about the *ḥadīth*s in ʿAbd al-Razzāq's *Muṣannaf*, or those of Schoeler about some of the *ḥadīth*s of the *sīrah*, or those of Versteegh about grammatical and lexical *ḥadīth*s, or those of Muranyi about early exegetical and Mālikī texts are correct, then that "magical boundary"[49] of 800 C.E. has been crossed. All of these scholars see the strong correlations (whether of similarity or variance) between *matn*s and *isnād*s (or, texts and fragments and *riwāyah*s in the case of Muranyi) as allowing them reconstruct, at least in some limited way, earlier versions of this material. If one accepts the correlation as indicative of a real connection between *matn*s and their *isnād*s, then one must concede that sanguine scholars have found a way past the "magical boundary." If one instead sees the correlation as a product of some other activity, such as organic growth and later redaction, then perhaps the boundary remains in place.

Nevertheless, it seems to me that a consensus is forming that the arguments of Stauth, Schoeler, Motzki, and Versteegh are convincing. At the very least, their arguments are strong enough and their evidence numerous enough that the onus at least *seems* now have shifted to the skeptical scholars to provide evidence in support their paradigm. Unfortunately, this very paradigm seems to preclude the possibility of such evidence being found. As Rippin states, "we do *not* know and probably never can know what really happened; all we can know is what later people *believed* happened."[50] The best the skeptics can do, if they are pushed to produce positive results, is speculate. When they do, they are quickly chastised.

Muranyi has made the one suggestion that perhaps both sides can agree upon. Manuscripts and fragments from the earliest centuries of Islam, if found, would resolve the debate. For the sanguine scholars, such discoveries could put to rest the skeptic's claim that *isnād*s do not necessarily reflect the transmission history of the materials to

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[48] See Motzki, "The Prophet and the Cat," 18, for a discussion on the importance of dating texts.

[49] Muranyi, "Neue Materialien zur *Tafsīr*-Forschung in der Moscheebibliothek von Qairawan." *The Qurʾan as Text*, edited by Stefan Wild (Leiden: E.J. Brill, 1996), 237.

[50] Rippin, "Literary Analysis of *Qurʾān*, *tafsīr*, and *sīra*: the Methodologies of John Wansbrough," in *Approaches to Islam in Religious Studies*, edited by Richard C. Martin (Tucson: University of Arizona Press, 1985), 157.

which they are attached. For the skeptic, such discoveries might show the evidence that the Qurʾān was not canonized, or that material extant in *ḥadīth*s once existed without *isnād*s. However, discovering these manuscripts has proved much more difficult than reconstructing them. This too makes sense: for the sanguine scholars, the deterioration of such old manuscripts, the use of oral as well as written transmission, and the defective nature of early Arabic script make the survival of such manuscripts extremely unlikely; for the skeptical scholars, the non-existence of such old manuscripts makes the survival of such manuscripts even more unlikely.

Of course, for some of us neo-skeptics, the solution provided by the sanguine scholars, while quite convincing at times, does not and cannot really address Islamic origins. Juynboll argues that origin of the *isnād* is around the year 70/690 and became a full-fledged science only a half century later. He adds that, although it is likely that *ḥadīth*s of the Sunnah contain a fair representation of what Muḥammad said and did,[51] "in evaluating traditions we must again rely on our sixth sense, and ask ourselves whether the *matn* is historically plausible."[52] Stauth dates the *Urtext* for Mujāhid's *Tafsīr* at 120/737.[53] After a detailed examination of two important events in Muḥammad's life and reconstructing earlier redactions, Schoeler is able to close the 200-year gap between the purported event and its extant reports to under 100 years. However, to close the gap even more, he abandons *isnād* and *matn* analysis for "seems like an eyewitness account," and "inner criteria." On the basis of this, Schoeler suggests, "The report of the event at least in the main features is correctly transmitted for most events in Muḥammad's Medinan period."[54] Muranyi argues on that the *Jāmiʿ* of ʿAbd Allāh b. Wahb dates from the first half of the second century A.H. based on independent and simultaneous transmissions of the material in the work.[55]

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[51] Juynboll, *Muslim Tradition*, 71.

[52] Juynboll, "On the Origins of Arabic Prose: Reflections on Authenticity," in *Studies on the First Century of Islamic Society*, edited by G.H.A. Juynboll (Carbondale and Edwardsville: Southern Illinois University Press, 1982), 174–5.

[53] Stauth, "Die Überlieferung," 208–22. See also, Berg, "Weaknesses in the Arguments for the Early Dating of *tafsīr*," 332–338.

[54] Schoeler, *Charakter und Authentie*, 166. See also, Berg, Review of *Charakter und Authentie*, 315–317.

[55] ʿAbd Allāh b. Wahb, *al-Ǧāmiʿ: Die Koranwissenschaften*, edited by Miklos Muranyi (Wiesbaden: Otto Harrassowitz, 1992) and Ibn Wahb, *al-Ǧāmiʿ: Tafsīr al-Qurʾān (Die*

Finally, Motzki's examination of the variation in the *ḥadīth*s found in the ʿAbd al-Razzāq's *Muṣannaf* is also very convincing, but he too must abandon it for the earliest generation of transmitters. Having closed the gap between the transmitter (in this case ʿAṭāʾ) and Muḥammad to one generation, he states, "these texts are very close to the time and the people they report about, and their authenticity cannot be ruled out a priori."[56] All these studies have managed to posit texts prior to Wansbrough's date of 800 C.E. (the second half of the second century A.H.). However, none of them can claim that anything is known for certain from the first century of Islam. Now, it is the sanguine scholars who must speculate.

In other words, sanguine scholars may in fact have succeeded in closing the gap somewhat. However, the gap is not closed and Motzki's statement that the texts are close enough to the time of the people under discussion is not sufficient. There still remains almost century between them. Scholars familiar with discussions of Christian origins are well aware of the enormous changes that can occur in a 50-year period. In that period, Jesus, probably first understood as a itinerant Galilean cynic, developed into an apocalyptic prophet, a new Moses and Elijah, the founder of a school in competition with the Pharisees and Sadducees, the focus of the Christ cult, and ultimately a divine being. In the next few decades he became a Jewish messiah, a Gnostic sage, and finally a cosmic lord.[57] And in another few decades, the understanding of the message and mission of Jesus was fixed, its origins lost until scholars began to uncover it some 1,800 years later. Why, if Christian origins had such a complex and tumultuous origin that was eventually lost (without some grand "conspiracy", I might add), should we think that the origins of Islam might less so. Is Islam the one "exception"?[58]

To some scholars this may seem like I am grasping at straws, engaging in mere speculation, or engaging in hyperbolic skepticism. I disagree. Both theoretical and methodological considerations should

Koranexegese), edited by Miklos Muranyi (Wiesbaden: Otto Harrassowitz, 1993). See also, Berg, *The Development of Exegesis*, 86–88. Muranyi engages is a similar examination of the *Samāʿ* of Ibn al-Qāsim al-ʿUtaqī. See below, pages 325–368.

[56] Motzki, The *Muṣannaf*, 21. See also, Berg, *The Development of Exegesis*, 36–38.

[57] Burton Mack, *Who Wrote the New Testament? The Making of the Christian Myth* (New York: Harper Collins, 1995).

[58] For a discussion of this "exceptionalism," see above, Chase F. Robinson, "Reconstructing Early Islam: Truth and Consequences," 101–134.

keep us from saying anything definitive about the early decades of Islam. Without some concrete evidence, we simply do not know. The Christian origins model makes it clear that even in two decades a movement can radically transform and reinterpret itself as it engages in the interrelated processes of social formation and mythmaking. Simply assuming that the reconstructed sources are "close enough" to the actual events to be reasonably accurate returns us to a methodology abandoned even by the most sanguine of scholars: ascription.

Hence, my analysis of Qurʾān 15:89–91 reveals nothing about "what really happened" and what the verses "really mean." Even if Ibn ʿAbbās thought the passages were about Christians and Jews, how would he know? Similarly, there is no way of knowing if the story presented by Ibn Isḥāq occurred. It certainly seems far more exegetical than historical. So what do we know for certain about Qurʾān 15:89–91? Nothing.[59] And if these basic building blocks of Islam, the meaning of the Qurʾān and the life of Muḥammad are called in to question, what can we know for certain about the first decades of Islam? Also, nothing.

V. *Conclusions*

Both approaches, the sanguine and the skeptical, can be seen to be supported by the evidence provided by the exegetical and historical *ḥadīth*s of Qurʾān 15:89–91. This demonstrates that one's assumptions about the nature of early Islamic texts generally or about the value of *isnād*s more specifically, dictate the results. Perhaps not the most insightful conclusion, but it leads to a larger dilemma: the results of each approach are mutually exclusive and one of them, or perhaps both them, must be incorrect.

The sanguine approach, because it deals with dates and names, appears to be a more methodologically rigorous. The sanguine scholar is certainly critical, suggesting that *matn*s have been manipulated and redacted, and that *isnād*s have occasionally been repaired or fabricated. Any anomalies produced by the method are easily accounted for by viewing them as the product of "fabrication," "copyist error,"

[59] The one thing we can be certain of, however, is that Muslims a century or so later also did not know what the passage meant.

or even the combined oral/written method of transmission in the early centuries of Islam. Nevertheless, earlier texts can be "reconstructed." However, the method is predicated on accepting the Muslim epistemological framework, and this the skeptical scholar would say is naive. To not recognize literature as literature and to treat it as an archeological site of historical information, and to imagine that Islam is somehow unique[60] in that its own history is not primarily salvation history, is simply untenable. That *isnād*s and *matn*s, and even biographical materials (i.e., *rijāl* literature) are correlated is not surprising. To skeptical scholars these sources are indeed self-corroborating, but only because they are not independent of each other.

The skeptical approach seems more theoretically (as opposed to methodologically) rigorous. The skeptical scholar is certainly willing to accept evidence in favor of the Muslim epistemological framework, but only if that evidence is truly early, and not a later redacted work projected into the past through the use of *isnād*s. Any anomalies to the paradigm can be accounted for by arguing that the extant texts are later than they purport to be or that they are redactions of earlier texts by later scholars who interpolated material, such as the masoretic use of pre-Islamic poetry in the narratives of the *sīrah*. This the sanguine scholar would say is hyperbolic skepticism. To suggest such theories and methods without any evidence (and skeptics, given their theories are not surprised that there is none) is to engage in at best fanciful mental experiments and at worst malicious attacks on Islam.[61] And to imagine that the whole of the Muslim world agreed to misrepresent the true origin of Islam requires a conspiracy that covers too many generations of Muslims and too many geographical regions to have occurred without significant comment. Of course, the impression of "too many generations" and "too many regions" comes from accepting the information in the *isnād*s. Not a

[60] For more on placing Islam on the same scholarly footing as Christianity and Judaism, see G.R. Hawting, "John Wansbrough, Islam, and Monotheism," *Method & Theory in the Study of Religion* 9.1 (1997): 23–38.

[61] See, for example, Fazlur Rahman, *Major Themes of the Qur'ān*, 2nd ed. (Minneapolis: Bibliotheca Islamica, 1989), xiii; and R.B. Serjeant, Review of *Quranic Studies: Sources and Methods of Scriptural Interpretation* by John Wansbrough and *Hagarism: The Making of the Islamic World* by Patricia Crone and Michael Cook, *Journal of the Royal Asiatic Society* n.v. (1978): 76. For a discussion of these negative reactions see, Berg, "The implications of, and opposition to, the methods and theories of John Wansbrough," *Method & Theory in the Study of Religion* 9 (1997): 11–19.

problem for sanguine scholars, since, as Motzki argues, "Until we have proof to the contrary, we must therefore proceed from the premise that the system in general worked; that the *isnād*s are, in principle, reliable . . .".[62]

Hence we have an impasse. Both the arguments of the skeptic and sanguine scholars can seem circular to each other. On the one hand, if one accepts the veracity of the information contained in the *isnād*s, then one has copious evidence in support of the early and continuous (that is, authentic) preservation of *ḥadīth*s. The *isnād*s of Diagram 1, for example, attest that the earliest Muslims sought to preserve their memories about the Qur'ān and that later generations of Muslims were fairly fastidious in their transmission of those memories. Once one accepts the testimony of *isnād*s, there are a plethora of *ḥadīth*s indicating that the transmitters, exegetes, jurists, and historians employed both oral and written means to assure fairly accurate transmission and that this activity was so geographically and temporally widespread as to preclude collusion. Consequently, *ḥadīth*s are largely authentic and their *isnād*s can be trusted. On the other hand, if one dismisses the veracity of the information provided by *isnād*s, then all the evidence claiming to come from the first century and a half of Islam is irrelevant. Virtually everything we know of that period, whether historical, legal, exegetical, and so forth, comes to us in the form of *ḥadīth*s or texts with *isnād*s. The only avenue through which this material can be examined is literary analysis. It is only the *matn*s and texts themselves that can yield reliable information of their chronology and provenance. But to what can the *matn*s and texts be compared to give us this information? In other words, what are our external reference points that allow us to judge chronology and provenance? The answer is to these questions is the theory or assumptions one has adopted. For example, haggadic exegesis preceded halakhic and masoretic exegesis according to Wansbrough. The presence of the *isnād*s merely indicates that the materials to which they are attached reached their final form after 800 C.E. (or, just prior to 200 A.H.). Consequently, *isnād*s must be fabricated. And so the debate goes on and on.

Because the two sets of underlying assumptions do not overlap and the conclusions drawn from them are mutually exclusive, these

[62] Motzki, "The Prophet and the Cat," 32, n. 44.

two circularities obviate the proponents of one of these approaches convincing those of the other. The skeptical and sanguine scholars share so few of the same assumptions that meaningful communication may not always be possible. This may help explain the rancor between scholars of the opposing camps. Charges of "intellectual laziness", "prejudice", "wild speculation", and "ignorance" have been made.[63] In any event, we are left with a choice: Do we have a fairly reliable method for discerning early Muslim history and thought, that some radical skeptics are simply too stubborn to accept? Or, are we on the cusp of a Kuhnian crisis with two competing paradigms, the first is essentially that produced by Muslims themselves and the latter the product of critical thought? I do not know, but it seems relatively pointless to continue arguments against one's opponents using one's own assumptions that the opponent will not accept as valid.

Obviously therefore, issues of method and theory are inextricably intertwined with the study of Islamic origins and deserve far more attention. However, to end on a more positive note, for both methodological *and* theoretical reasons there is perhaps one point on which both skeptic and sanguine scholars could agree: ultimately, we still have very little, if any, firm knowledge about the first few decades of Islam. The study of Islamic origins has only begun.

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[63] Schacht, "The Present State of Studies in Islamic Law," in *Atti del terzo Congresso di Studi Arabi e Islamici* (Naples: Istituto Universitario Orientale, 1967), 622. Motzki, "The Prophet and the Cat," 22 and 33. Azami, *On Schacht's Origins*, 116.

D. SHARĪʿĀH AND *FIQH*

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THE EARLY HISTORY OF ISLAMIC LAW[1]

Christopher Melchert

The turn of the fourth Islamic century (early tenth century C.E.) is about when there crystallized the classical form of Islamic law. So, for example, traditionists characterized as *mutaqaddimūn* those who came before 300 A.H., *muta'akhkhirūn* those who came after.[2] The classical schools of law date from about this time, at least as institutions for the formation and certification of new jurisprudents.[3] The classical literature of *uṣūl al-fiqh* dates from about this time.[4] The first three centuries therefore constitute the early period.

Each century presents its own problems, having to do mainly with the nature of the evidence. Roughly, the earlier we go, the less we are insulated from back-projection in the third-century sources. Accordingly, I propose to review representative recent scholarship on each one separately. I shall deal at greatest length with the third Islamic century mainly because it is the one I know best, myself, also because it is the one concerning which our evidence seems best and therefore the possibility of scholarly consensus apparently strongest.

I. *The First Century*

Concerning the authenticity of *ḥadīth*, Herbert Berg has identified the two great scholarly camps as "sanguine" and "skeptical," mainly of how far the literary record, mostly from the third century, can

[1] The original research here presented was made possible by a fellowship at the Institute for Advanced Study, financed by the National Endowment for the Humanities.

[2] E.g., see Ibn Ḥajar al-ʿAsqalānī, *Lisān al-mīzān* (Hyderabad: Maṭbaʿat Majlis dā'irat al-maʿārif, 1329–1331; reprinted Beirut: Mu'assasat al-aʿlamī, 1406/1986), 1:8.

[3] See Christopher Melchert, *The Formation of the Sunni Schools of Law* (Leiden: E.J. Brill, 1997).

[4] See Wael B. Hallaq, "Was al-Shāfiʿī the Master Architect of Islamic Jurisprudence?" *International Journal of Middle East Studies* 25 (1993): 587–605; Devin Stewart, "Muḥammad b. Dāwūd al-Ẓāhirī's Manual of Jurisprudence: *Al-Wuṣūl ilā maʿrifat al-uṣūl*," in *Studies in Islamic Legal Theory*, edited by Bernard G. Weiss (Leiden: E.J. Brill, 2002), 99–158.

be trusted to provide us with facts about the first century.[5] The great theoretical problem for the earliest history of the Islamic religion in general and Islamic law in particular seems to be more precisely whether to assume that the Islamic tradition grew out of earlier monotheistic traditions in the Fertile Crescent or to accept the tradition's own testimony that it developed rather in the faraway Ḥijāz in almost complete isolation from other traditions.[6]

The thesis of Ḥijāzī origins and isolation has the advantage of abundant evidence in its favor, although the evidence is late (hence suspected of tendentious reworking, even apart from the normal loss of information in transmission) and self-contradictory in detail (confirming the loss of information in transmission; the extent of tendentious reworking is controversial). It is unsurprisingly the usual preference of Muslim scholars, although often on a different basis from that used by medieval scholars.[7] It allows the historian to say a great deal with considerable confidence. "It would be impossible," Montgomery Watt has said, "to make sense of the historical material of the Qurʾān without assuming the truth of this core" (i.e., the sound core of the prophetic biographical tradition).[8] It must be true, that is, because many passages of the Qurʾān would otherwise be unsatisfying to read. Compare Schacht's comment on Goldziher's skeptical regard for prophetic *ḥadīth*: "This brilliant discovery became

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[5] Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Richmond, Surrey: Curzon, 2000); but John Wansbrough talked about "sanguine historiography" twenty years earlier, for which see Berg, *The Development of* Exegesis, 78.

[6] Similarly, G.R. Hawting, "John Wansbrough, Islam, and Monotheism," *Method and Theory in the Study of Religion* 9 (1997): 23–38.

[7] For examples, see David Waines, *An Introduction to Islam* (Cambridge: Cambridge University Press, 1995), 265–79, for a justification of "religious truth" as an alternative to historical scholarship; Muhammad Zubayr Siddiqi, *Ḥadīth Literature*, edited and revised by Abdal Hakim Murad (Cambridge: Islamic Texts Society, 1993), for a defense of *ḥadīth* on the ground of written transmission; ʿAbd al-Razzāq b. Khalīfah al-Shāyajī and al-Sayyid Muḥammad al-Sayyid Nūḥ, *Manāhij al-muḥaddithīn fī riwāyat al-ḥadīth bi-al-maʿnā* (Beirut: Dār Ibn Ḥazm, 1419/1998), for the argument that the Companions and later traditionists were so good at memorization, all versions must be exact quotations from different occasions. *Mutatis mutandis*, the commonsense weighing of probabilities by someone like Dhahabī seems much closer to the approach of more traditional historians such as, among many others, ʿAbd al-ʿAzīz al-Dūrī and Wadad al-Qadi.

[8] W. Montgomery Watt, *Muhammad's Mecca* (Edinburgh: University of Edinburgh Press, 1988), 1, quoted by Harald Motzki, "The Collection of the Qurʾān," *Der Islam* 78 (2001): 4–5.

the corner-stone of all serious investigation of early Muhammadan law and jurisprudence, even if some later authors, while accepting Goldziher's method in principle, in their natural desire for positive results were inclined to minimize it in practice."[9] It additionally offers the early Islamic historian the advantage that at least, having mastered Classical Arabic, he need not moreover master Rabbinic Hebrew, Byzantine Greek, and other languages as well.

For the scholar (on this point exactly contrary to the believing Muslim), genesis in the Ḥijāz has the disadvantage of making the Islamic tradition radically unlike every other religious tradition.[10] That is, the Jewish, Christian, Buddhist, and other traditions are all seen to have developed out of earlier forms, to have taken essential elements from other traditions in which they had developed for longer; for example, it is a commonplace that images of heaven and hell and last judgment developed first in Iran and entered Judaism only with the Babylonian exile. By contrast, if we accept the thesis of Ḥijāzī origins, then whatever noticeable parallels there may be with other traditions, the explanation is always independent invention, never borrowing and adaptation. Modern scholarly methods of explanation, relying heavily on a certain regularity of human history, have to be renounced. Among other things, one may no longer suppose that, given a contradiction in the record, the report that agrees with later orthodoxy is likely to be a back-projection, the report that disagrees likely to be genuinely old. Application of this principle has opened up an identifiable gap between, for example, what modern scholars will accept that Jesus taught and what the pre-modern church thought he must have taught.[11] By contrast, if we accept the Islamic tradition's own account of its origins (in effect, ninth-century and later Sunni accounts), we have to suppose that the Islamic tradition (or at least the Sunni) was extraordinarily immune to tendentious reworking of the evidence.

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[9] Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 4.

[10] For a forceful statement of the case, heading in different directions from mine, see Aziz al-Azmeh, *Muslim Kingship* (London: I.B. Tauris, 1997).

[11] The comparison is explicit in F.E. Peters, "The Quest of the Historical Muhammad," *International Journal of Middle East Studies* 23 (1991): 295. See further Robert W. Funk, Roy W. Hoover, and the Jesus Seminar, *Five Gospels: The Search for the Authentic Words of Jesus* (New York: Macmillan, 1993).

It should be observed that the Qur'ān itself says almost nothing about the Ḥijāz and does not rule out extra-Islamic influence. It seems to consider itself a manifestation of a larger body of Scripture, shading off into the knowledge of God and including previous revelations.[12] It reports but does not always deny the accusation that the Qur'ān depends on instruction from some human informant (Qur'ān 16:103; compare Qur'ān 25:4–6, reporting similar accusations but insisting that the Prophet declaims what God has sent down).[13] *Ḥadīth* and the prophetic *sīrah* much more strongly minimize dependence on Christian and Jewish informants, although some of the Followers (the generation after the Companions of the Prophet) related a great deal of Jewish and Christian sources.[14] It became an article of dogma by the end of the third century that the Prophet himself had been illiterate, hence unable to consult earlier Scriptures.[15]

The most famous works to argue for extra-Ḥijāzī origins have not concerned law in particular, mainly those of Wansbrough and the collaborators Crone and Cook. Wansbrough observes that the Qur'ān is manifestly a collection of fragments (as, incidentally, the medieval commentary tradition continually confirms), a great many of them variants on one other, and continually arguing against positions doubtfully upheld in the faraway Ḥijāz. By way of explanation, he suggests that they were generated over some period of time at various

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[12] See now Daniel A. Madigan, *The Qur'ân's Self-Image* (Princeton: Princeton University Press, 2001).

[13] "And we know very well that they say, 'Only a mortal is teaching him.' The speech of him at whom they hint is barbarous (*aʿjamī*); and this is speech Arabic manifest" (Qur'ān 16:103, translated by Arberry). For the exegetical tradition concerning these verses, see Claude Gilliot, "Les «informateurs» juifs et chrétiens de Muḥammad," *Jerusalem Studies in Arabic and Islam* 22 (1998): 84–126.

[14] Outstandingly Wahb b. Munabbih (d. 113/731–32?), for whom see R.G. Khoury, *Wahb b. Munabbih*, (Wiesbaden: O. Harrassowitz, 1972); however, many more quotations of others than Wahb are to be found in early volumes of Abū Nuʿaym, *Ḥilyat al-awliyā'*, 10 vols. (Cairo: Maṭbaʿat al-Saʿādah and Maktabat al-Khānjī, 1352–57/1932–38). On the categorical rejection of *isrā'īlīyat* in the literature of qur'ānic commentary only from Ibn Kathīr (d. 774/1373), see Norman Calder, "*Tafsīr* From Ṭabarī to Ibn Kathīr," in *Approaches to the Qur'ān*, edited by G. R. Hawting and Abdul-Kader A. Shareef (London: Routledge, 1993), 101–40.

[15] Consider the telling evolution of the first dialog between angel and Prophet. Ibn Hishām's version is this: "*Iqra'*." "*Mā aqra'*?" "*Iqra'*." "*Mā aqra'*?" "*Iqra'*." "*Mādhā aqra'*?" "*Iqra' bi-ismi Rabbik*. . . ." Bukhārī's version is this: "*Iqra'*." "*Mā aqra'*?" "*Iqra'*." "*Mā aqra'*?" "*Iqra'*." "*Mā anā bi-qāri'*." "*Iqra' bi-ismi Rabbik*. . . ." On the early *tafsīr* tradition, see further Isaiah Goldfeld, "The Illiterate Prophet," *Der Islam* 57 (1980): 58–67.

points in the Fertile Crescent, finally collected and fixed as the familiar Qurʾān only about 200 A.H. (or, around 800 C.E.).[16] The historian is disappointed that Wansbrough offers so few hypotheses in a form easily falsifiable.

Crone and Cook propose among other things a more definite reconstruction of early Islamic history in complete disregard of the usual Islamic literary sources of the third/ninth century in favor of archeological and non-Islamic literary evidence from the first/seventh century itself.[17] Their willingness to offer falsifiable hypotheses is commendable. Their particular historical reconstructions (e.g., Samaritan origins for the pilgrimage ritual) have commanded little assent, but their skepticism concerning third/ninth-century sources for first/seventh-century history has markedly altered the field; hence, for example, a biography of the Prophet like Montgomery Watt's, reconstructing the motives of different Companions, now seems quaint and hardly more convincing than Crone's and Cook's speculations.[18]

Crone's and Cook's skepticism concerning third/ninth-century Islamic literary sources hardly goes beyond what Schacht expounded even before Watt published his biography of the Prophet. Still, some mainly historical works do have interesting implications for the study of law. I point for example to a study by Uri Rubin on the meaning of the expression *ʿan yad*, famously attached to the humiliation of the People of the Book in Qurʾān 9:29. As so often, the standard commentaries offer numerous contradictory glosses, indicating guesswork. In the context of seventh-century treaties quoted by historians, however, it becomes clear that *ʿan yad* indicates tribute "of property" as opposed to "in specie."[19] By extension, then, it appears that evidence of early politics (such as texts of treaties) was somewhat less subject to retrospective refashioning than evidence of early religion (such as the Qurʾānic commentary tradition).[20]

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[16] John Wansbrough, *Quranic Studies*, (Oxford: Oxford University Press, 1977); Wansbrough, *The Sectarian Milieu*, (Oxford: Oxford University Press, 1978).

[17] Patricia Crone and Michael A. Cook, *Hagarism: The Making of the Islamic World* (Cambridge: Cambridge University Press, 1977).

[18] See Watt, *Muhammad at Mecca* (Oxford: Clarendon Press, 1953) and Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956). See note 8 for where Motzki, now a leading comfort to those who trust the tradition, points out Watt's lack of methodological rigor.

[19] Uri Rubin, "Quran and *tafsīr*: The Case of "*an yadin*,'" *Der Islam* 70 (1993): 133–144.

[20] See also Uri Rubin, *The Eye of the Beholder: The Life of Muhammad as Viewed by*

As for studies of Islamic law in particular, let me point out those of G.R. Hawting and Patricia Crone. Their pattern is usually to begin with what early law books say about some problem. Some of these books purport to give the opinion of one person or school, such as the *Majmūʿah* attributed to Zayd b. ʿAlī (d. Kūfah, 120/738?), a Shiite imam, while some collect the opinions of many early jurisprudents, outstandingly the *Muṣannaf*s of ʿAbd al-Razzāq (Yemeni, d. 211/827) and Ibn Abī Shaybah (d. Kūfah, 235/849).[21] It transpires that reported opinions are contradictory (often even as to the positions held by particular jurisprudents), terminology is unstable (sometimes apparently changing within one sentence), the Qurʾān is cited but seldom a rule straightforwardly inferred from it, and so on. Hawting usually turns at the end to Jewish law, pointing out the sort of material there that might have been at the origin of the confusing early Islamic discussion.[22] Crone will likewise turn to Jewish

the Early Muslims (Princeton: Darwin Press, 1995), arguing that the biography of the Prophet is too independent to have been generated simply as an explanation of the Qurʾān. Fred M. Donner, "The Formation of the Islamic State," *Journal of the American Oriental Society* 106 (1986): 283–296, argues expressly against radical source critics. Most of the contemporary documentation he identifies has to do with administration (e.g., Egyptian papyri on tax collection with references to *bayt al-māl*), and he finally concedes that there is nothing political from before the First Civil War and almost nothing religious from before the Second. Even the radical Patricia Crone accepted a great many data from the Arabic historical record, especially names and genealogies, in *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge: Cambridge University Press, 1980).

[21] Zayd b. ʿAlī, *Corpus iuris di Zaid ibn ʿAlī (VIII sec. cr.)*, edited by Eugenio Griffini (Milan: Ultrico Hoepli, 1919); ʿAbd al-Razzāq, *al-Muṣannaf*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī, 11 vols. (Johannesburg: Majlis Ilmi, 1390–92/1970–72); Ibn Abī Shaybah, *al-Kitāb al-Muṣannaf*, edited by Kamāl Yūsuf al-Ḥūt, 7 vols. (Beirut: Dār al-tāj, 1409/1989) = edited by Muḥammad Salīm Ibrāhīm Samārah, et al., 4 vols. (Beirut: ʿĀlam al-kutub, 1989) = edited by Muḥammad ʿAbd al-Salām Shāhīn, 9 vols. (Beirut: Dār al-kutub al-ʿilmīyah, 1416/1995) = edited by Saʿīd al-Laḥḥām, 9 vols. (Beirut: Dār al-fikr, 1409/1989). See Patricia Crone, *Roman, Provincial, and Islamic Law* (Cambridge: Cambridge University Press, 1987), 26–27.

[22] See G.R. Hawting, "An Ascetic Vow and an Unseemly Oath?: *īlāʾ* and *ẓihār* in Muslim Law," *Bulletin of the School of Oriental and African Studies* 57 (1994): 114–125; Hawting, "The Role of Qurʾān and *ḥadīth* in the Legal Controversy About the Rights of a Divorced Woman During Her 'Waiting Period' (*ʿidda*)," *Bulletin of the School of Oriental and African Studies* 52 (1989): 430–445; Hawting, "The Significance of the Slogan *lā ḥukm illā lillāh* and the References to the *ḥudūd* in the Traditions about the Fitna and the Murder of ʿUthmān," *Bulletin of the School of Oriental and African Studies* 41 (1978): 453–463. Less specifically concerned with Islamic law are Hawting, "The *ḥajj* in the Second Civil War," in *Golden Roads: Migration, Pilgrimage and Travel in Mediaeval and Modern Islam*, edited by Ian Richard Netton (Richmond: Curzon, 1999), 31–42; Hawting, "Two Citations of the Qurʾān in 'Historical Sources'

law, notably, in one long article, concerning the *qasāmah*, collective responsibility for a homicide, which looks like a development of a procedure in Deuteronomy.[23] On the other hand, she suggests in a book that the Islamic law of *walāʾ*, whereby one Muslim becomes patron to another, may have originated as a development of Roman provincial law.[24]

Crone's study of *walāʾ* is especially interesting for having attracted a vehement rebuttal from Wael B. Hallaq.[25] He goes over the law of the patronate in books of Islamic law from the Classical period (after the third century) to develop how different it is from what is known of Roman provincial law, then pays tribute at length to the ability of Muslim jurisprudents to rework and Islamize whatever they found, which should make it impossible to tell from such works what earliest law was like. He is left with the point that Crone has not proven beyond doubt that there was no developed law of the patronate in pre-Islamic Arabia to serve as the basic model for Islamic law. This is true and, given the scantiness of evidence for pre-Islamic Arabia, completely to be expected.[26] But it is an essentially agnostic position, with the possibility of Arabian origins doubtfully falsifiable—not, altogether, a superior alternative to Crone's history.

It seems, then, that if we rule out divine inspiration as historical explanation, the alternatives before us are limited to speculation that entertains the possibility of extra-Ḥijāzī origins (Hawting and Crone) and speculation that insists on the Ḥijāz (Hallaq, among many others).

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for Early Islam," in *Approaches to the Qurʾān*, edited by G.R. Hawting and Abdul-Kader A. Shareef (London: Routledge, 1993), 260–268; Hawting, "The 'Sacred Offices' of Mecca from Jāhiliyya to Islam," *Jerusalem Studies in Arabic and Islam* 13 (1990): 63–84; Hawting, "'We Were Not Ordered with Entering It but Only with Circumambulating It.' *Ḥadīth* and *fiqh* on Entering the Kaʿba," *Bulletin of the School of Oriental and African Studies* 47 (1987): 228–242; Hawting, "Al-Hudaybiyya and the Conquest of Mecca: A Reconsideration of the Tradition about the Muslim Takeover of the Sanctuary," *Jerusalem Studies in Arabic and Islam* 8 (1986): 1–23; Hawting, "The Disappearance and Rediscovery of Zamzam and the 'Well of the Kaʿba,'" *Bulletin of the School of Oriental and African Studies* 43 (1980): 44–94.

[23] Crone, "Jāhilī and Jewish Law: The *qasāma*," *Jerusalem Studies in Arabic and Islam* 4 (1984): 153–201.

[24] Crone, *Roman, Provincial and Islamic Law*, 77–88.

[25] Wael B. Hallaq, "The Use and Abuse of Evidence," *Journal of the American Oriental Society* 110 (1990): 79–91.

[26] Crone's reply simply adduces the nature of nomadic society (and the presumably unexceptional nature of pre-Islamic Arabian society in particular), for which see the end of Crone, "Serjeant and Meccan Trade," *Arabica* 39 (1992): 216–240.

Recent scholarship concerning the Israelite monarchy is discouraging. Like the third-century Arabic literary record, the post-exilic Hebrew literary record is not confirmed by archeology.[27] As for early Jewish law in particular, Old Testament scholars seem to be no closer to agreement now than a century ago as to, say, whether the Holiness Code is early or late.[28] As an historical record, third-century Arabic literature enjoys relatively more defenders in the academy today than post-exilic Hebrew, but we seem unlikely to move beyond speculation on either the skeptical side or the sanguine.

II. *The Second Century*

To write the history of Islamic law in the second century looks much more credible. The great figure of modern scholarship is Joseph Schacht, the first European scholar to offer a comprehensive history of early Islamic law. Fifty years after *The Origins of Muhammadan Jurisprudence* was first published, he still apparently attracts more attempted refutations than anyone else. Working especially with the *Risālah* and a series of shorter polemical works attributed to al-Shāfiʿī (d. Old Cairo, 204/820), Schacht concluded that Islamic law had not always rested mainly on prophetic *ḥadīth*.[29] Rather, Schacht inferred from Shāfiʿī's vigorous polemics that Muslim jurisprudents of the century before had tended to be divided on regional lines, each region having its own juridical tradition; also that they had tended to justify the law by invoking, if not common sense or local

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[27] The parallel between Old Testament and Islamic archeology and history is stressed by J. Koren and Y.D. Nevo, "Methodological Approaches to Islamic Studies," *Der Islam* 68 (1991): 87–107. For a general survey of pre-exilic history, see for example Ziony Zevit, *The Religions of Ancient Israel* (London: Continuum, 2001).

[28] For example, Henry T.C. Sun, "Holiness Code," in *Anchor Bible Dictionary*, edited by David Noel Freedman et al. (New York: Doubleday, 1992), 3:254–257.

[29] The *Risālah* is printed at the beginning, the other short works at the end of al-Shāfiʿī, *Kitāb al-Umm*, 7 vols. in 4 (Būlāq: al-Maṭbaʿah al-kubrā al-amīrīyah, 1321–1325; without *al-Risālah* al-Shāfiʿī, *al-Umm [wa-bi-hāmishi-hi Mukhtaṣar Abī Ibrāhīm Ismāʿīl b. Yaḥyā al-Muzanī]* 7 vols. in 4 (Cairo: Kitāb al-Shaʿb, 1388/1968). For the *Risālah*, however, Schacht used the superior edition of Aḥmad Muḥammad Shākir (Cairo: Maṭbaʿat Muṣṭafā al-Ḥalabī wa-awlādi-hi, 1358/1940). Other commercial editions have appeared, but scholars should restrict their citations to the editions used by Schacht until someone undertakes new work in the manuscripts. Schacht lists the short polemical works in *Origins*, 338, and offers a chronology of them in *Origins*, 330.

custom, reports of what jurisprudents had said. At most, they reached as far back as Followers of the generation after the Prophet or Companions contemporary with him. Shāfiʿī's adversaries did concede here and there that the Prophet's example and dicta overruled Companion dicta and local tradition. Shāfiʿī argued expressly that the Prophet's example and dicta always came first. Following the suggestion of Ignaz Goldziher a generation before, Schacht questioned whether prophetic *ḥadīth* had even existed a century before Shāfiʿī. He proposed instead that the opinions of second-century jurisprudents had first been projected back onto Followers, then Companions, and last onto the Prophet himself.

Methodologically, Schacht himself pointed out as his chief assumption the argument from silence: "The best way of proving that a tradition did not exist at a certain time is to show that it was not used as a legal argument in a discussion which would have made reference to it imperative, if it had existed."[30] But even more basic, it seems to me, is his presumption that orthodox views will be projected backward, so in case of contradiction, it is the report disagreeing with later orthodoxy that is presumptively the older. Hence, for example, when al-Awzāʿī (d. Beirut, 157/773–74?) contrasts recent practice with what all the caliphs did until the death of al-Walīd b. Yazīd (d. 126/744), Schacht takes it that his description of recent practice is reliable whereas his account of what the earlier caliphs did must represent merely what he wished had been done, not historical memory. If another text quotes him as citing what all the caliphs did until the death rather of ʿUmar b. ʿAbd al-ʿAzīz (d. 101/720), Schacht takes it that someone who liked the Umayyads less than Awzāʿī altered what Awzāʿī had said by making the good old days end earlier, with a caliph more respected.[31]

Harald Motzki has recently emerged as Schacht's leading critic.[32] He is a meticulous scholar and not to blame for misuse of his name

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[30] Schacht, *Origins*, 140. Against the argument from silence, see, *inter alia*, Zafar Ishaq Ansari, "The Authenticity of Traditions: A Critique of Joseph Schacht's Argument *e silencio*," *Hamdard Islamicus* 7.2 (1984): 51–61, and Crone, *Roman, Provincial and Islamic Law*, 30. In fairness to Schacht, against some of his critics, his stress is on *ḥadīth* favorable to someone's position that we expect him to cite, not *ḥadīth* favorable to his opponents'.

[31] Schacht, *Origins*, 70–72.

[32] For a history and critique of earlier refutations, see now Harald Motzki, *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*, translated by Marion H. Katz (Leiden: E.J. Brill, 2002), chap. 1.

in support of such propositions as the general reliability of the Six Books, well beyond what he has actually argued for. Similarly to G.H.A. Juynboll, he has especially stressed the transmission history of *ḥadīth* (which for most of the early period included juridical opinions) as documented by *asānīd*, the chains of authorities that normally accompany reports of what the Prophet or other early authorities said. Beyond dispute, it seems to me, his work shows that *asānīd* are not necessarily nonsense. After Schacht, even the most skeptical, such as Cook and Crone, have frequently inferred where a *ḥadīth* report was circulated from who appears in its *isnād*—nobody says they are necessarily nonsense. But Motzki has shown moreover with detailed examples that different names in *asānīd* may be associated with particular textual variations, confirming that *asānīd* are associated with distinct lines of transmission.[33]

Against Motzki, Herbert Berg has pointed out the extent to which his optimism as to the accuracy of *ḥadīth* transmission is based on unprovable assumptions.[34] Let me restrict myself here to two additional complaints. First, Motzki argues in detail that we know with fair certainty what the generation of the Followers believed around the turn of the second century; however, he seldom argues for the certainty of anything older than that, merely musing that we probably have authentic data from the generation of the Companions. In some respects, of course, his self-restraint is commendable; however, it reduces his work to a footnote to Schacht's. Against Schacht, that is, he pushes back the proliferation of *ḥadīth* from the end to the beginning of the second century. Implicitly, because the Islamic record does, he minimizes the influence of non-Islamic traditions (one study expressly minimizes the sheer number of *mawālī* among early jurisprudents).[35] Implicitly, he maximizes the independence of

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[33] Similarly, Iftikhar Zaman, "The Science of *rijāl* as a Method in the Study of Hadiths," *Journal of Islamic Studies* 5 (1994): 1–34.

[34] Berg, *The Development of Exegesis* 36–38, based mainly on Harald Motzki, "The *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī as a Source of Authentic *aḥādīth*," *Journal of Near Eastern Studies* 50 (1991): 1–21, and Motzki, "Der Fiqh des -Zuhrī," *Der Islam* 68 (1991): 1–44. See also Motzki "*Quo vadis, ḥadīṯ*-Forschung?" *Der Islam* 73 (1996): 40–80, 193–231, Motzki, "The Prophet and the Cat: On Dating Mālik's *Muwaṭṭaʾ* and Legal Traditions," *Jerusalem Studies in Arabic and Islam* 22 (1998): 18–83, Motzki, "The Murder of Ibn Abī l-Ḥuqayq," in *The Biography of Muḥammad: The Issue of the Sources*, edited by Harald Motzki (Leiden: E.J. Brill, 2000), 170–239, and the works cited in nn. 8, 35, and 38.

[35] Motzki, "The Role of Non-Arab Converts in the Development of Early Islamic

individual jurisprudents (so that, for example, *The Origins of Islamic Jurisprudence* is about jurisprudents in Mecca but refrains from sketching what distinguished Meccan doctrine from Medinese, let alone Kufan). Altogether, this falls far short of an alternative description of the evolution of Islamic law.

Second, Motzki has not gotten over the problem of contradictory *ḥadīth*. Against G.H.A. Juynboll, for example, he has argued for the presumptive reliability of what medieval critics called *gharīb ḥadīth* reports (that is, reports transmitted from a single *shaykh* by a single student, not by multiple students), with the consequence that the Follower Nāfiʿ (d. Medina, 119/737?) cannot have been an invention of Mālik's, since so many others also apparently transmitted from him.[36] But what did Nāfiʿ teach? Did he call the required alms at the end of Ramaḍān *zakāh* or *ṣadaqah*? Did he call for them in dates or corn and, if corn, wheat or barley? Did it matter to him whether they went to free persons or slaves, or whether to Muslims or non-Muslims? Nāfiʿ is quoted every way. Motzki talks of identifying a kernel of historical truth, but if that is taken to be whatever element is common to his multiple versions, it seems to be normally so small as to be virtually worthless.

Motzki's reluctance to push back into the first century is not inconsistent with an increasingly evident tendency of more skeptical scholarship: to find that the classical lines of Islamic law largely crystallized early in the second century. A recent example is Irene Schneider's work on debt slavery and the sale of free children in Islamic law.[37] These are, of course, commonplaces in the law of Antiquity, absent from classical Islamic law. Schneider finds vestiges of the tradition of Antiquity in pre-classical juristic discussions, especially in Iraq. If

Law," *Islamic Law and Society* 6 (1999): 293–317. Motzki looks up early jurisprudents listed in Abū Isḥāq al-Shīrāzī, *Ṭabaqāt al-fuqahāʾ*, and finds that only half were later identified as *mawālī*. This is useful information, and tells us fairly certainly Shīrāzī's image of early jurisprudents. What it tells us of the actual second century is less certain: first, it indicates descent in the male line, not the female, and ignores cultural issues such as whether the individual actually grew up speaking Arabic; second, being a *mawlā* was definitely not a neutral datum that no one would trouble to suppress, so it seems likely that Ibn Ḥajar and his sources of the third and fourth centuries undercounted *mawālī*.

[36] Motzki, "*Quo vadis*," esp. 49–54, *contra* G.H.A. Juynboll, "Nāfiʿ, the *mawlā* of Ibn ʿUmar," *Der Islam* 70 (1993): 207–244.

[37] Irene Schneider, *Kinderverkauf und Schuldknechtschaft: Untersuchungen zur frühen Phase des islamischen Rechts*. (Stuttgart: Franz Steiner, 1999).

Islamic law, following the Prophet's dictum, had forbidden debt slavery and the sale of children virtually from the start, there should have been no discussions. Moreover, her analysis of *asānīd*, along with some other evidence, leads Schneider to the conclusion that *ḥadīth* reports against debt slavery and the sale of children first appeared around the beginning of the second century. By the end of the century, this tendency had prevailed among the jurisprudents of every center. Obviously, questions about the probability of external influence quickly shade off, for the second century, into questions about the reliability of *ḥadīth*, our principal evidence for early juridical thinking. And indeed, that leading optimist concerning *ḥadīth*, Harald Motzki, has published long arguments against Schneider's relative skepticism.[38]

A more radical suggestion, thus far accepted by few, is that the Qurʾān, too, goes back to about the turn of the second century. Scholars have long noticed considerable gaps between the technical terminology of Islamic law and the vocabulary of the Qurʾān; for example, Julius Wellhausen on *fayʾ* and *ghanīmah*.[39] Schacht asserted that, "apart from the most elementary rules, norms derived from the Koran were introduced into Muhammadan law almost invariably at a secondary stage."[40] By no means is the perception of a gap restricted to notable skeptics; for example, see Motzki's article on bridewealth in the new *Encyclopaedia of the Qurʾān*.[41] Yasin Dutton hopes on the contrary to establish continuity between the Qurʾān and subsequent Islamic law, but his actual evidence must tend to discredit his theory to anyone not already dogmatically committed to it.[42] Patricia

[38] Motzki, "Der Prophet und die Schuldner," *Der Islam* 77 (2000): 1–83; rebuttal by Irene Schneider, "Narritivität und Authentizität," ibid., 84–155; rerebuttal by Motzki, "*Ar-radd ʿalā r-radd*," *Der Islam* 78 (2001): 147–163. Jonathan E. Brockopp, to the contrary, has complained of Schneider's too readily accepting attributions: *Early Mālikī Law: Ibn ʿAbd al-Ḥakam and His Major Compendium of Jurisprudence* (Leiden: E.J. Brill, 2000), 116, n. 4.

[39] Julius Wellhausen, *The Arab Kingdom and Its Fall*, translated by Margaret Graham Weir, edited by A.H. Harley (London: Curzon, [1927]), 31.

[40] Schacht, *Origins*, 224.

[41] Motzki, "Bridewealth," in *The Encyclopaedia of the Qurʾān*, edited by Jane Damen McAuliffe (Leiden: E.J. Brill, 2000–), 1:258–259.

[42] Yasin Dutton, *The Origins of Islamic Law: The Qurʾan, the* Muwaṭṭaʾ *and Madinan* ʿAmal, (Richmond, Surrey: Curzon, 1999), esp. Part 2. Compare reviews by Brockopp, *Islamic Law and Society* 7 (2000): 398–400; Melchert, *Journal of the American Oriental Society* 121 (2001): 713–715; also, to the contrary tendency, Motzki, *Der Islam* 78 (2001): 164–167.

Crone points out some glaring discrepancies between the Qurʾān and classical Islamic law, some developed first by scholars before her, some by her.[43] How can such discrepancies have arisen, she asks, unless the Qurʾān as we know it was not collected and made generally known in its entirety until about the beginning of the second century?

Contemporary evidence is still limited. From the second half of the century, we have a few fragmentary texts in manuscript. Nabia Abbott incessantly talks about survivals from the Umayyad period, before 133/750, but her actual examples are ʿAbbāsid.[44] Miklos Muranyi has found a page that he identifies as part of a book by ʿAbd al-ʿAzīz al-Mājashūn (alternatively, Mājishūn; d. Baghdad, 164/780–81).[45] However, his manuscript evidence, here as elsewhere, goes back only to the late third/ninth century, and he asks us to trust *asānīd* for the verbatim transmission of the texts in question from the beginning of that century.[46] Progress in the history of Islamic law in the second/eighth century will have to rest mainly on the shrewd reading of texts from the third century and later.

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[43] Crone, "Two Legal Problems Bearing on the Early History of the Qurʾān," *Jerusalem Studies in Arabic and Islam* 18 (1994): 1–37. The two problems of the title have to do with a passage of the Qurʾan, 24.33b, traditionally taken to deal with manumission that in context, she contends, plainly refers rather to marriage contracts, and with the respective inheritance rights of blood relations and patrons. She also treats at some length the mystery of the Qurʾānic term *kalālah*, previously raised most prominently by David Powers, *Studies in Qurʾān and* ḥadīth (Berkeley: University of California Press, 1986), and the stoning penalty, treated by John Burton, *The Collection of the Qurʾān* (Cambridge: Cambridge University Press, 1977), 72–82.

[44] Nabia Abbott, *Studies in Arabic Literary Papyri II: Qurʾānic Commentary and Tradition* (Chicago: University of Chicago Press, 1967).

[45] Miklos Muranyi, *Ein altes Fragment medinensischer Jurisprudenz aus Qairawān: aus dem Kitāb al-Ḥaǧǧ des ʿAbd al-ʿAzīz b. ʿAbd Allāh b. Abī Salama al-Māǧišūn (st. 164/780–81)* (Stuttgart: Franz Steiner, 1985).

[46] See especially ʿAbd Allāh b. Wahb, *al-Ǧāmiʿ: Tafsīr al-Qurʾān (Die Koranexegese)* edited by Miklos Muranyi (Wiesbaden: Otto Harrassowitz, 1995); Ibn Wahb, *Al-Ǧāmiʿ: die Koranwissenschaften*, edited by Muranyi (Wiesbaden: Otto Harrassowitz, 1993); Muranyi, *ʿAbd Allāh b. Wahb. Leben und Werk. al-Muwaṭṭaʾ, Kitāb al-Muḥāraba* (Wiesbaden: Otto Harrassowitz, 1992). On the two concerning Qurʾānic exegesis, compare A. Rippin, "Tafsīr," in *The Encyclopedia of Islam* (Leiden: E.J. Brill, 1954–), 10:83–88. Admittedly, Muranyi's latest, *Die Rechtsbücher des Qairawāners Saḥnūn b. Saʿīd: Entstehungsgeschichte und Werküberlieferung*. (Stuttgart: Kommissionsverlag Franz Steiner, 1999), additionally adduces marginal comments on textual history to show that already in the late third/ninth century, North African jurists carefully collated earlier manuscripts and noted minor variations from one to another. Great liberties in transmission seem therefore unlikely, at least during the fifty or, Muranyi would presumably argue, hundred years before our actual manuscripts.

III. *The Third Century*

The most challenging work of the 1990s for the history of Islamic law in the third/ninth century is Norman Calder, *Studies in Early Muslim Jurisprudence*. In his introduction, Calder cites Goldziher, Schacht, and Wansbrough as forebears. He also mentions Jacob Neusner, whose methods of Talmudic study Calder now applies to early Islamic law.[47] That is, Calder's method is usually to analyze series of propositions from early presentations of the law, translating them into English and looking for breaks in the train of thought and outright contradictions, which he finally explains as evidence of formation over time. For example, if the discussion suddenly moves from animals whose touch causes pollution to the order in which a man ceremonially washes body parts, Calder takes it that the discussion of animals is one layer, from one group of scholars, the discussion of ritual ablutions another layer from another group.[48] These are the methods of Higher Criticism applied for so long and with such success to the Bible.

Accepting Schacht's general scheme, Calder takes it that *ḥadīth* reports from the Prophet only gradually (over the third/ninth century) took precedence over earlier appeals to local practice, common sense, and the opinions of earlier jurisprudents. Therefore, Calder supposes that a passage appealing to *ḥadīth* from Companions or later jurists should be older than one appealing to *ḥadīth* from the Prophet himself—not only, as Schacht had supposed, for *ḥadīth* of the second/eighth century but even for passages in books from the third/ninth. Second, Calder takes it that appeal to the authority of earlier jurisprudents only gradually focused on the eponyms of the classical schools. Therefore, a passage in which the eponym is simply one among many authorities should be older than one in which the eponym is plainly pre-eminent. Hence, for example, he assigns the *Mudawwanah* in its present form, traditionally ascribed to Saḥnūn (d. Qayrawān, 240/854), to about 250/mid-860s, while he would redate the *Muwaṭṭaʾ* of Mālik (d. Medina, 179/795) in the well-known recension of the Cordovan Yaḥyā b. Yaḥyā (d. 234/849?) to about

[47] Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), vii–ix. For an example of Neusner's method, see *Eliezer ben Hyrcanus: The Tradition and the Man*, 2 vols. (Leiden: E.J. Brill, 1973).

[48] Calder, *Studies*, 48.

270/mid-880s. Crude arguments in *Kitāb al-umm*, attributed to Shāfiʿī, Calder assigns to its supposed redactor, al-Rabīʿ b. Sulaymān al-Murādī (d. Old Cairo, 270/884). More sophisticated arguments he assigns to unknown later jurisprudents. He characterizes the extant works attributed to Muḥammad al-Shaybānī (d. Ranbūyah, near Ray, 189/804–5) as achieving their present form around 250/mid-860s. He suggests that the extant *Kitāb al-kharāj* attributed to Abū Yūsuf (d. Baghdad, 182/798) is actually the work of the Baghdadi Ḥanafi al-Khaṣṣāf (d. 261/874).

Against Schacht, Calder finds that the precedence of prophetic *ḥadīth* reports was not finally established by Shāfiʿī but developed through the ninth century. Calder argues that the polemical treatises on which Schacht relied for the doctrine of Shāfiʿī cannot have been known in their present form to jurisprudents of the following generation. He repeatedly affirms that the actual doctrines of Shāfiʿī, Abū Ḥanīfah (d. Baghdad, 150/767), and other early figures are practically irrecoverable.

After six chapters of close readings, Calder pulls back to discuss the evident history of literary production, distinguishing stages when most knowledge was transmitted orally (the second century); when specialized knowledge circulated mainly by means of notebooks, usually the commonplace books that scholars kept themselves but also the commonplace books of earlier scholars that circulated posthumously; finally, when knowledge was transmitted by means of authored books deliberately published in multiple copies (from the later third century, although notebooks by no means disappeared). Calder at last addresses the question of cultural borrowing. Calder argues summarily for urban origins (not Arabian), but suggests that the further pursuit of origins is a futile exercise, given on the one hand how much was common to all peoples of the Middle East, on the other how many potentially important influences are completely beyond reconstruction; for example, lost varieties of Judaism, Christianity, and other religions. Finally, he argues, the essential shift in the method of Islamic jurisprudence was from the independent exercise of reasoning to the interpretation of sacred texts (mainly prophetic *ḥadīth*). The last was essentially Schacht's thesis, but whereas Schacht thought the shift was effected by Shāfiʿī, Calder thinks it happened across the whole century after his death.

Several scholars have undertaken detailed refutations of Calder's redating. His treatment of Mālikī works has received by far the most

(and the most effective) criticism. Calder's identification of the familiar text of the *Muwaṭṭaʾ* as an Andalusian work of the later third century looks particularly untenable. Yasin Dutton brings up alternative recensions of the *Muwaṭṭaʾ* (parts of eight are extant today). Although he exaggerates their similarity to one another, they do make it impossible to maintain that the familiar text is so distinctively Andalusian as Calder makes out.[49] Miklos Muranyi cites the manuscript evidence from Tunisia in favor of the traditional ascriptions of the *Muwaṭṭaʾ* and *Mudawwanah*.[50] Harald Motzki brings to bear the evidence of classic *ḥadīth* collections to show that some of the arguments that Calder thought must have been ascribed to Mālik only after the *Mudawwanah* had reached the form in which we have it must actually have been ascribed to him much earlier, probably indeed by accurate transmission from him.[51] Finally, Wael B. Hallaq points out that Mālik might indeed have grown from a reporter of *ḥadīth* and Medinese consensus to a major jurisprudent in his own right from the late second century (the *Muwaṭṭaʾ*) to the mid-third (the *Mudawwanah*), since the Mālikī school was much further developed by the later period and therefore in need of an impressive eponym. In other words, the figure of Mālik that Calder took to belong to the earliest stage, when an expert in the law was expected to offer opinions without reference to prophetic *ḥadīth*, might actually belong to a later stage, the formation of a personal Mālikī school of law, when it was important for his followers to magnify his stature

[49] Yasin Dutton, "*ʿAmal* v. *ḥadīth* in Islamic Law: The Case of *sadl al-yadayn* (Holding One's Hands by One's Sides) When Doing the Prayer," *Islamic Law and Society* 3 (1996): 13–40, especially 28–33. For estimates of their differences, see Abdel-Magid Turki, "Le *Muwaṭṭaʾ* de Mālik, ouvrage de *fiqh*, entre le *ḥadīṯ* et le *raʾy*," *Studia Islamica* 86 (1997): 5–35, and Brockopp, *Early Mālikī Law*, 73–77. Relying mainly on biographical data, Maribel Fierro relocates Yaḥyā b. Yaḥyā's collection of his *Muwaṭṭaʾ* to Egypt at the turn of the century: "El alfaquí beréber Yaḥyà b. Yaḥyà al-Layṯī (m. 234/848)," in *Estudios onomástico-biográficos de al-Andalus* 8: *Biografías y género biográfico en el occidente islámico*, edited by María Luisa Avila and Manuela Marín (Madrid: Consejo Superior de Investigaciones Científicas, 1997), 269–344, especially 285–288).

[50] Muranyi, "Die frühe Rechtsliteratur zwischen Quellenanalyse und Fiktion," *Islamic Law and Society* 4 (1997): 224–241. Ill humor detracts from several responses to Calder. There seems to me little else to John Burton, "Redating the Timetable of Early Islam," *Journal of the American Oriental Society* 115 (1995): 453–462.

[51] Motzki, "The Prophet and the Cat." Motzki's further demonstration that the arguments in question went back to the early second century characteristically relies heavily on speculation about what forgers would or would not have done and is characteristically less convincing.

as an independent jurisprudent.[52] Motzki's and Hallaq's critiques are especially satisfying, for they not only adduce evidence Calder did not consider but also rearrange Calder's own data to show that they admit alternative explanations.

Calder's redatings outside the Māliki tradition have come in for criticism, too, but thus far less effectively. His reassignment of *Kitāb al-kharāj* from Abū Yūsuf to Khaṣṣāf rests too much on assertion and too little on detailed demonstration from the text; yet Muhammad Qasim Zaman's refutation, which stops at showing that Abū Yūsuf might have written a book by that title, is utterly insufficient to show that the text we have is precisely Abū Yūsuf's and not what Calder thought it was, a compilation of earlier texts.[53] Similarly to Motzki, Jonathan Brockopp patiently demonstrates by triangulation with the *Mukhtaṣar* of ʿAbd Allāh b. ʿAbd al-Ḥakam (d. Old Cairo, 214/829) that some doctrines in the *Muwaṭṭaʾ* must go back to Mālik; yet he assumes without argument that the *Risālah* goes back to Shāfiʿī and explains that Muzanī (d. Old Cairo, 264/877?) simply felt free to disregard his teacher's methodology—not an adequate refutation of Calder's argument that the extant works of Muzanī must actually predate those expounding Shāfiʿī's method.[54]

I myself was well impressed by Calder's redatings especially because they made sense of other data regrettably ignored by Calder, mainly the jurisprudence of Iraqi traditionalists, especially Aḥmad b. Ḥanbal (d. Baghdad, 241/855) and his followers. Later biographical literature (especially Shāfiʿi) makes out that Aḥmad was an admiring disciple to Shāfiʿī, yet Aḥmad's practice apparently ignores Shāfiʿī's teaching.[55] The Ḥanbalī tradition even indicates serious distrust of

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[52] Hallaq, "On Dating Malik's *Muwatta*," *UCLA Journal of Islamic and Near Eastern Law* 1 (2001–2): 47–65. In conversation with John Makdisi a few years ago, I related that I was bothered by the way Māwardī (d. 450/1058) continually went beyond the *ḥadīth*-based arguments I expected from a Shāfiʿi jurist to further arguments it seemed he could not have believed in. Makdisi assured me this was the way lawyers always argue: they make half a dozen arguments for one point, not particularly caring if half of them seem feeble, just so one persuades the listener. Hallaq's polemical articles often have to be read in the same indulgent spirit.

[53] Muhammad Qasim Zaman, *Religion and Politics Under the Early ʿAbbāsids* (Leiden: E.J. Brill, 1997), 91–95.

[54] Brockopp, "Early Islamic Jurisprudence in Egypt," *International Journal of Middle East Studies* 30 (1998): 167–182.

[55] In general, see Susan A. Spectorsky, "Aḥmad Ibn Ḥanbal's *Fiqh*," *Journal of the American Oriental Society* 102 (1982): 461–465.

Shāfiʿī as a facile reasoner with insufficient knowledge of *ḥadīth*. If Shāfiʿī's advocacy of prophetic *ḥadīth* alone transpired only well after Aḥmad's lifetime, then it makes sense that Aḥmad should have continued to respect Companion *ḥadīth*, expressly define the Sunnah to include the practice of the first four caliphs, and so on.[56] Moreover, it makes sense of an apparent increase in respect for Shāfiʿī in the Ḥanbalī tradition at the beginning of the tenth century. Further research has made me doubt only whether the *Risālah* need be pushed forward in time quite so far as Calder did. Its legal theory seems about equally advanced with that of Ibn Qutaybah (d. Baghdad, 276/889), not far ahead of it, as Calder argued.[57]

Methodologically, the great assumption at the base of Calder's work, which he shared with Schacht, is that legal theory advanced fairly evenly. So, for example, Schacht could not believe that some first- and second-century experts were faithfully transmitting reports of the Prophet's word and deed and inferring the law entirely from them at the same time others were heedlessly basing the law on custom and their personal preferences. One or the other group's practice must have been a later back-projection, and of course that one would have to have been the practice agreeing with later orthodoxy. The alternative seems to be to suppose that some jurists were idiots; that is, in line with the etymological sense of "idiot," they were self-absorbed to the extent that they could not communicate with contemporaries. (A difficulty with the field today is that scholars have tended to specialize in the work of one school; hence, for example, the disproportionate amount of attention that Calder's Mālikī chapters have attracted as opposed to his Shāfiʿī and Ḥanafī chapters. In some respects, of course, such specialization is efficient, but specialists must be conscious of the risks they run, mainly of missing the historical significance of their texts from neglect of their historical context. Calder is to be admired for surveying as much of the

[56] Aḥmad expressly identifies the binding *sunnah* as that of the Prophet and the Rightly Guided caliphs, not of the Prophet alone, adding that he dislikes to disagree with any of the other Companions, *apud* Abū Dā'ūd, *Kitāb Masā'il al-imām Aḥmad*, edited by Muḥammad Bahjah al-Bayṭār (Cairo: Dār al-Manār, 1353/1934; reprinted Beirut: Muḥammad Amīn Damj, n.d.), 277.

[57] For Calder's comparison with Ibn Qutaybah, see *Studies*, chap. 9. Compare Melchert, "Qur'ānic Abrogation Across the Ninth Century," *Studies in Islamic Legal Theory*, edited by Bernard Weiss (Leiden: E.J. Brill, 2002), 75–98.

field as he did, and critics of Calder need to provide an alternative account of the whole field.)

I should like to conclude by testing Calder's method on two actual Ḥanafī texts from the early period, the recension of the *Muwaṭṭaʾ* and *Kitāb al-ḥujjah ʿala ahl al-Madīnah* attributed to Muḥammad al-Shaybānī. Shaybānī's *Muwaṭṭaʾ* usually reads like an abridgement of Yaḥyā b. Yaḥyā's more familiar recension with comments from Shaybānī instead of the opinions of Mālik. Its arrangement of *ḥadīth* reports and topics is often considerably different; for example, Shaybānī's *Muwaṭṭaʾ* places next to each other discussions of reciting the Qurʾān behind the imam and prostration on hearing of it in the Qurʾānic text. By contrast, Yaḥyā's *Muwaṭṭaʾ* widely separates these two topics. They are near each other, though, in the recensions of Suwayd al-Ḥadathānī (d. al-Ḥadīthah on the Euphrates, 240/855) and al-Qaʿnabī (d. Mecca? 221/835).[58] Thus, Shaybānī's recension is not necessarily the one that has been radically rearranged.[59] (One might also consider *Kitāb ikhtilāf Mālik wa-al-Shāfiʿī*, which reviews many of the same *ḥadīth* reports as the *Muwaṭṭaʾ* with, now, polemics from Shāfiʿī instead of opinions from Mālik.[60] Muzanī may refer to another recension under the title of *al-Imlāʾ ʿalā masāʾil Mālik*.[61] It is conceivable that these Shāfiʿī polemical works preserve the original loose ordering of all this material, while the different recensions of the *Muwaṭṭaʾ* are the product of a later consolidation with, of course, much textual interference among them.)

Kitāb al-ḥujjah ʿalā ahl al-Madīnah seems more directly polemical. Calder has examined it and finds that it "is undoubtedly later than

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[58] Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Suwayd al-Ḥadathānī], edited by ʿAbd al-Majīd Turkī (Beirut: Dār al-gharb al-islāmī, 1994), 89f.; [recension of al-Qaʿnabī], edited by ʿAbd al-Majīd Turkī (Beirut: Dār al-gharb al-islāmī, 1999), 150–153 and 157–159.

[59] *Contra* Dutton, "*ʿAmal* v. *ḥadīth*," 30.

[60] *Kitāb ikhtilāf Mālik wa-al-Shāfiʿī*, presented as a long dialogue between al-Rabīʿ b. Sulaymān (speaking for the Egyptian Māliki tradition) and Shāfiʿī, printed at Shāfiʿī, *Umm* 7:177–249. On later Mālikī-Shāfiʿī polemics, see recently Eric Chaumont, "A propos du *Kitāb al-radd ʿalā al-Shāfiʿī* attribué à Abū Bakr Muḥammad Ibn al-Labbād al-Qayrawānī (m. 333/944)," in *Studies in Islamic and Middle Eastern Texts and Traditions in Memory of Norman Calder*, edited by G.R. Hawting, et al., Journal of Semitic Studies Supplement 12 (Oxford: Oxford University Press, 2000), 75–84, and Sherman A. Jackson, "Setting the Record Straight: Ibn al-Labbād's Refutation of al-Shāfiʿī," *Journal of Islamic Studies* 11 (2000): 121–146.

[61] For example, Muzanī, *al-Mukhtaṣar*, on margins of al-Shāfiʿī, *al-Umm* 3:255.

the *Muwaṭṭaʾ Shaybānī*," for it quotes Mālikī arguments not found in that book.[62] On the other hand, it appears that the *Ḥujjah* more regularly appeals to rational arguments (say, the impracticality of the Mālikī position) and less often to *ḥadīth* (whether from Companions or the Prophet), normally one of Calder's signs that a text is early. Calder proposes, then, that appeals to reason constitute the earliest strata of the *Ḥujjah*, discussions of prophetic *ḥadīth* the latest.[63] At points like these, it is easy to accuse him of circular reasoning, establishing the chronology of various texts according to a proposed sequence of developing ideas about jurisprudence, then demonstrating that sequence by appeal to the rearranged texts.[64] Is there any way out? The alternative, of accepting every traditional ascription, seems to imply accepting enormous inconsistency and incoherence on the parts of most of our early juridical writers. Certainly, the *Ḥujjah* as we know it cannot be entirely Shaybānī's work, for it expressly draws additional material from Yaḥyā b. Yaḥyā's *Muwaṭṭaʾ* (as at 1:116).

Let me go over some examples, first from discussions of prostration at the reading aloud of certain verses of the Qurʾān.[65] See Table 1. Shaybānī says in the *Ḥujjah* that the people of Medina say there are two prostrations in chapter 22 of the Qurʾān (usually *al-Ḥajj*). Neither in Shaybānī's *Muwaṭṭaʾ* nor in Yaḥyā's *Muwaṭṭaʾ* have we any express statement from Mālik as to whether one should prostrate oneself once or twice; in both, however, Mālik does relate three Companion *ḥadīth* reports to the effect that there are two prostrations in that chapter. In the *Mudawwanah* of Saḥnūn, then, we hear that Mālik called for just one prostration in chapter 22.[66] The following argument in the *Ḥujjah* has to do with discrediting the first *ḥadīth* report of the series in the two *Muwaṭṭaʾ*s, whereas the following argument in the *Muwaṭṭaʾ* of Shaybānī adduces the opinion of Ibn ʿAbbās the Companion.

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62 Calder, *Studies*, 58.

63 Calder, *Studies*, 55–66.

64 See Schneider, review of *Studies in Early Muslim Jurisprudence* by Norman Calder, *Journal of Religion* 75 (1995): 604–606.

65 Roberto Tottoli has surveyed the principle disagreements as they appear in the early *ḥadīth* literature but without reference to schools of law: "Traditions and Controversies Concerning the *suǧūd al-Qurʾān* in *ḥadīṯ* Literature," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 147 (1997): 371–393.

66 Saḥnūn b. Saʿīd, *al-Mudawwanah* (Cairo: Maṭbaʿat al-saʿādah, 1345; Beirut: Dār ṣādir, n.d.), 1:109. Mālik is also said to have called for one prostration in Q. 22 by al-Shāfiʿī, *Ikhtilāf Mālik wa-al-Shāfiʿī*, at *Umm* 7:188.

Table 1

Kitāb al-ḥujjah ʿalā ahl al-Madīnah.[67]	"*Al-Muwaṭṭaʾ*" [recension of al-Shaybānī], *Bāb sujūd al-Qurʾān.*[68]	*Al-Mudawwanah al-kubrā.*[69]
1:108. Abū Ḥanīfah: in *al-Ḥajj* is only one prostration, the first.		
The people of Medina say that there are two prostrations in *al-Ḥajj* on account of its being related that ʿUmar b. al-Khaṭṭāb prostrated twice during it and that ʿAbd Allāh b. ʿUmar prostrated twice during it.	**269**. < Mālik < Nāfiʿ < a man of the people of Egypt, that ʿUmar b. al-Khaṭṭāb recited the chapter *al-Ḥajj* and prostrated himself twice during it. He said, "This chapter has been favored with two prostrations." [Same in Yaḥyā's *Muwaṭṭaʾ*, Kitāb al-Qurʾān, 13; Qaʿnabī's *Muwaṭṭaʾ*, ¶ 138.]	**1:109**. Saḥnūn < Ibn al-Qāsim < Mālik b. Anas: There are 11 points of prostration, none of them in *al-mufaṣṣal: alif-lām-mīm-ṣād* (Qurʾān 7), *al-raʿd* (13), *al-naḥl* (16), *B. Isrāʾīl* (17), *Maryam* (19), *al-Ḥajj*, the first one (22:18), *al-furqān* (25), *al-hudhud* (27), *alif-lām-mīm tanzīl* (at the) *sajdah* (32:15), *ṣād* (38), and *ḥāʾ mīm tanzīl* (41).
Muḥammad b. al-Ḥasan: thus it has been related of ʿUmar. The general among us (*al-ʿāmmah ʿindanā*; editor thinks it should probably read *al-ʿamal ʿindanā*) do not agree on that. This was related of ʿUmar b. al-Khaṭṭāb only by a man of the people of Egypt. If it were known and famous that ʿUmar had done	**270**. < Mālik < Nāfiʿ that ʿAbd Allāh b. ʿUmar used to prostrate himself twice during *al-Ḥajj*. [Same in Yaḥyā's *Muwaṭṭaʾ*, Kitāb al-Qurʾān, 14.] **271**. < Mālik < ʿAbd Allāh b. Dīnār < Ibn ʿUmar that he saw	

[67] Al-Shaybānī, *Kitāb al-ḥujjah ʿalā ahl al-Madīnah*, edited by al-Sayyid Mahdī Khān al-Kīlānī al-Qādirī, 4 vols. (Hyderabad: Maṭbaʿat al-maʿārif al-sharʿīyah, 1385/1965).
[68] Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of al-Shaybānī], edited by ʿAbd al-Wahhāb ʿAbd al-Laṭīf (Cairo: al-Majlis al-aʿlā li-al-shuʾūn al-islāmīyah, 1387/1967).
[69] Saḥnūn b. Saʿīd. *Al-Mudawwanah al-kubrā*, 6 vols. (Cairo: Maṭbaʿat al-saʿādah, 1345; reprinted Beirut: Dār ṣādir, n.d.).

this, those who were with ʿUmar in Egypt should have known, likewise those who came there from the horizons, and this would have been known—it would be famous that he had done this.	him prostrate himself twice during *al-Hajj*. [Same in Yaḥyā's *Muwaṭṭa*ʾ, Kitāb al-Qurʾān, 15; Qaʿnabī's *Muwaṭṭa*ʾ, ¶ 139.]	
1:109. Abū Ḥanīfah: the prostration in *ṣād* (Q.38) is obligatory (*wājibah*).	Muḥammad: this has been related of ʿUmar and Ibn ʿUmar. Ibn ʿAbbās did not think there was more than one prostration in *al-Ḥajj*, the first. By this we go, it being the position of Abū Ḥanīfah.	*Ṣād* is no. 10 on the list of the *Mudawwanah* 1:109, likewise on al-Ṭaḥāwī's list < al-Thawrī < Mālik, *Mukhtaṣar "ikhtilāf al-ʿulamā*ʾ" 1:238.
The people of Medina say there is no prostration in *ṣād*.	[No mention of *ṣād* one way or the other in Shaybānī's and Yaḥyā's *Muwaṭṭa*'s.]	
Abū Ḥanīfah: in the *mufaṣṣal* are three prostrations: the one at the last of *al-najm* (Qurʾān 53), the one in *idhā al-samāʾu inshaqqat* (84), and the one at the end of *iqraʾ bi-ismi rabbi-ka alladhī khalaq* (Qurʾān 96). The people of Medina say there is no prostration in the *mufaṣṣal.*	**267**. < Mālik < ʿAbd Allāh b. Yazīd, client to al-Aswad b. Sufyān < Abū Salamah that Abū Hurayrah recited before them, *idhā al-samāʾu inshaqqat* (Qurʾān 84) and prostrated himself during it. When he left, he related to them that the Messenger of God . . . had prostrated himself during it. [Same in Yaḥyā's *Muwaṭṭa*ʾ, Kitāb al-Qurʾān, 12.]	

Muḥammad: by this we go, it being the position of Abū Ḥanīfah. Mālik b. Anas did not think there was a prostration in it.

268. < Mālik < al-Zuhrī < ʿAbd al-Raḥmān al-Aʿraj < Abū Hurayrah, that ʿUmar b. al-Khaṭṭāb recited to them *al-najm* and prostrated himself in it, then got up and recited another chapter. [Same in Qaʿnabī's *Muwaṭṭaʾ*, ¶ 139.]

Muḥammad: by this we go, it being the position of Abū Ḥanīfah. Mālik b. Anas did not think there was a prostration in it.

The *Ḥujjah* goes on to discuss the prostration in Qurʾān 38 (usually *ṣād*)—why is unclear, as I have no source by which Mālik denies there is a prostration there. Then the *Ḥujjah* mentions three late chapters where the Ḥanafīyah require prostration but the Medinese do not. Once again, Shaybānī's *Muwaṭṭaʾ* attributes a position to Mālik (in agreement with the *Mudawwanah*) that the *Ḥujjah* attributes rather to the people of Medina. Notice that here we have an example of a *ḥadīth* report in the *Muwaṭṭaʾ* of Shaybānī not found in the *Muwaṭṭaʾ* of Yaḥyā.[70] (The *Ḥujjah* goes on to relate a long series of *ḥadīth* reports in favor of prostration in Qurʾān 38, which I have omitted.)

[70] Muḥammad b. al-Ḥasan al-Shaybānī, *al-Muwaṭṭaʾ*, edited by ʿAbd al-Wahhāb ʿAbd al-Laṭīf (Cairo: al-Majlis al-aʿlā li-al-shuʾūn al-islāmīyah, 1387/1967), *Bāb sujūd*

Now to another example, the discussion of reciting aloud behind the imam. See Table 2. I chose this topic because it provoked a very long series of contrary *ḥadīth* from Shaybānī in his recension of the *Muwaṭṭaʾ*. This time, there is no disagreement in the sources, Ḥanafī and Mālikī, as to the position of Mālik. As usual, the *Ḥujjah* argues against the people of Medina, sometimes adducing Mālik's own *ḥadīth* against them. The *Muwaṭṭaʾ* of Shaybānī ignores the juridical pronouncement from Mālik that follows the evidence of *ḥadīth*, whereas the *Muwaṭṭaʾ* of Yaḥyā attributes the same opinion not to the people of Medina but to Mālik himself. See "They said 'Because al-Qāsim b. Muḥammad, ʿUrwah b. al-Zubayr . . .'" as opposed to the *Muwaṭṭaʾ* of Yaḥyā, which has Mālik relate the opinions of these authorities, then express his approval of their position. The outstanding difference between the argument of the *Ḥujjah* and the argument of the Shaybānī's *Muwaṭṭaʾ* is again that the *Ḥujjah* makes extensive rational arguments whereas the *Muwaṭṭaʾ* sticks to *ḥadīth*. All Shaybānī says in the *Muwaṭṭaʾ* is "There is no recitation behind the imam whether he recites aloud or silently. That is what the generality of *āthār* have brought, and it is the position of Abū Ḥanīfah."[71]

Table 2

Al-Shaybānī, *Kitāb al-ḥujjah ʿalā ahl al-Madīnah*.[72]
(**116**) Abū Ḥanīfah: There is no recitation behind the imam in anything of the ritual prayer, whether he recites out loud or does not recite out loud.

al-Qurʾān, no. 270. A similar *ḥadīth* report is related from Mālik by al-Shāfiʿī, *Kitāb ikhtilāf Mālik wa-Shāfiʿī, apud* al-Shāfiʿī, *al-Umm* 7:187. According to *al-Ḥujjah ʿalā ahl al-Madīnah*, this is the position of the Medinese. Mālik expresses no opinion one way or the other in Yaḥyā's *Muwaṭṭaʾ*, while the *Mudawwanah* of Saḥnūn quotes him as calling for just one prostration: Saḥnūn, *al-Mudawwanah*, 1:109.

[71] al-Shaybānī, *al-Muwaṭṭaʾ*, ¶ 60.

[72] Al-Shaybānī, *Kitāb al-ḥujjah ʿalā ahl al-Madīnah*, edited by Abū al-Wafāʾ al-Afghānī, et al. (Hyderabad: Maṭbaʿat al-maʿārif al-sharqīyah, 1385/1965).

The people of Medina say one does not recite behind the imam when he recites out loud but one does recite behind him when he does not recite out loud *umm al-qurʾān* (Qurʾān 1) and a chapter, as one recites by oneself.

Muḥammad b. al-Ḥasan: How would one recite behind the imam when he does not recite aloud?

They said, "Because al-Qāsim b. Muḥammad, ʿUrwah b. al-Zubayr, Rāfiʿ [should be Nāfiʿ] b. Jubayr b. Muṭʿim, and Ibn Shihāb used to recite behind the imam when the imam was not reciting out loud."

[Report to this effect regarding ʿUrwah b. al-Zubayr in Yaḥyā's *Muwaṭṭaʾ*, Kitāb al-Ṣalāh, no. 40; regarding al-Qāsim b. Muḥammad in no. 41; regarding Nāfiʿ b. Jubayr b. Muṭʿim no. 42; s.v. reciting behind the imam where he does not recite out loud; no report regarding Ibn Shihāb. Mālik's comment follows: "This is what I like best of what I have heard concerning this."]

It is said to them, "Do you hold those to be more trustworthy or ʿAbd Allāh b. ʿUmar and Jābir b. ʿAbd Allāh?" They said, "ʿAbd Allāh and Jābir, of course."

It is said to them, We have heard from your *faqīh* Mālik b. Anas < Nāfiʿ < Ibn ʿUmar that when asked whether anyone should recite with the imam, said, "When one of you prays behind the imam, the imam's recitation suffices him." Yaḥyā b. Yaḥyā added < Mālik, "and when he prays alone let him recite."

[Shaybāni's *Muwaṭṭaʾ*, ¶ 112; Yaḥyā's *Muwaṭṭaʾ*, ¶ 43; Qaʿnabī's *Muwaṭṭaʾ*, ¶ 131.]

(**117**) He said that Ibn ʿUmar did not recite behind the imam.

[Shaybāni's *Muwaṭṭaʾ*, ¶ 112; Yaḥyā's *Muwaṭṭaʾ*, ¶ 43; Qaʿnabī's *Muwaṭṭaʾ*, ¶ 131.]

< Mālik b. Anas also < Abū Nuʿaym Wahb b. Kaysān < Jābir b. ʿAbd Allāh: "Whoever prays a *rakʿah* without reciting in it *umm al-Qurʾān* has not prayed unless behind the imam."

[Shaybāni's *Muwaṭṭaʾ*, ¶ 113); Yaḥyā's *Muwaṭṭaʾ*, ¶ 38; almost same in *Mudawwanah* 1:68.]

These two are more discerning than those from whom you have taken recitation. Your jurisprudent related the two *ḥadīth* reports along with many *ḥadīth* reports and left your position.

(**118**) Consider that whoever advocates reciting behind the imam *umm al-Qurʾān* and a chapter, if the imam finishes his recitation and begins to bow before the man behind him has finished with *umm al-Qurʾān*, what is it incumbent on him to do—to stand or follow the imam? They said, "Rather, he follows the imam in his *rakʿah*."

They are told, If he should be slow in that, or was a very old man, hence did not recite a thing until the imam was finished reciting and bowing, does he follow the imam and bow with him or recite, then follow him? They said, "Rather he follows the imam in his bowing and leaves off reciting." They are told, This shows you that there is not recitation behind the imam when one is commanded to leave it in some spots.

< ʿUbayd Allāh b. ʿUmar b. Ḥafṣ b. ʿĀṣim b. ʿUmar b. al-Khaṭṭāb < Nāfiʿ < Ibn ʿUmar . . .: "Whoever prays behind the imam, the imam's recitation suffices him."

[Almost the same in Shaybāni's *Muwaṭṭaʾ*, ¶ 115.]

< Abū Ḥanīfah < Abū al-Ḥasan Mūsā b. Abī ʿĀʾishah < ʿAbd Allāh [**119**] b. Shaddād b. al-Hādī < Jābir b. ʿAbd Allāh < the Prophet . . . "Whoever prays behind the imam, the imam's recitation is his recitation."

[Same in Shaybāni's *Muwaṭṭaʾ*, ¶ 117.]

< Usāmah b. Zayd al-Madīnī < Sālim b. ʿAbd Allāh b. ʿUmar: Ibn ʿUmar would not recite behind the imam. Al-Qāsim b. Muḥammad asked about that. He said, "If you leave it, people who are to be followed have left it. If you recite, people who are to be followed have recited." Al-Qāsim was among those who do not recite.

[Same in Shaybāni's *Muwaṭṭa*ʾ, ¶ 118.]

< Sufyān b. ʿUyaynah < Manṣūr b. al-Muʿtamir < Abū Wāʾil < ʿAbd Allāh b. Masʿūd, asked about recitation behind the imam: "Pay attention, for there is occupation in the ritual prayer and the imam will suffice you in that."

[Almost identical in Shaybāni's *Muwaṭṭa*ʾ, ¶ 119.]

Muḥammad b. Abān b. Ṣāliḥ < Ḥammād < Ibrāhīm al-Nakhaʿī < ʿAlqamah b. Qays: ʿAbd Allāh b. Masʿūd used to not recite behind the imam both where he spoke out loud and where he was quiet, both at the first and at the last. When he prayed by himself, he recited in the first [**120**] *fātiḥat al-kitāb* and a chapter. He would not recite anything in the last.

[Same as Shaybāni's *Muwaṭṭa*ʾ, ¶ 120. Same in Ibn Khusraw but < Abū Ḥanīfah < Ḥammād < Ibrāhīm, no mention of ʿAlqamah b. Qays, Khwārizmī, 1:310.]

< Sufyān al-Thawrī < Manṣūr < Abū Wāʾil < ʿAbd Allāh b. Masʿūd: "Pay attention to the Qurʾān: in the prayer is occupation. The imam will suffice you."

[Same as Shaybāni's *Muwaṭṭa*ʾ, ¶ 121.]

< Bukayr b. ʿĀmir < Ibrāhīm al-Nakhaʿī < ʿAlqamah b. Qays: "I should prefer biting on a coal to reciting behind the imam."

< Isrāʾīl < Manṣūr < Ibrāhīm al-Nakhaʿī: "The first to recite behind the imam was a man under suspicion."	[Same as Shaybāni's *Muwaṭṭaʾ*, ¶ 122.]
(**121**) < Isrāʾīl b. Yūnus < Mūsā b. Abī ʿĀʾishah < ʿAbd Allāh b. Shaddād b. al-Hād: "The Messenger of God . . . led the people in the afternoon prayer. A man recited behind him. He was poked by the one beside him. When he had finished praying, he said, 'Why did you poke me?' He said, 'The Messenger of God . . . is in front of you. We disliked to recite behind him.' The Prophet . . . heard him and said, 'Whoever has an imam, his recitation is a recitation for him.'"	[Same as Shaybāni's *Muwaṭṭaʾ*, ¶ 123.] [Same as Shaybāni's *Muwaṭṭaʾ*, ¶ 124.]
< Dāwūd b. Qays al-Farrāʾ < one of the children of Saʿd b. Abī Waqqāṣ < Saʿd: "I wish that the one who recited behind the imam had a coal in his mouth."	
	[Same as Shaybāni's *Muwaṭṭaʾ*, ¶ 125.]
< Dāwūd b. Qays < Muḥammad b. ʿAjlān < ʿUmar b. al-Khaṭṭāb: "Would that there were a stone in the mouth of whoever recites behind the imam."	
	[Same as Shaybāni's *Muwaṭṭaʾ*, ¶ 126.]
(**122**) < Dāwūd b. Qays al-Madīnī < ʿUmar b. Muḥammad b. Zayd < Mūsā b. Saʿd b. Zayd b. Thābit < his grandfather: "Whoever recites with the imam has no prayer to his credit."	[Same as Shaybāni's *Muwaṭṭaʾ*, ¶ 127, except that "Dāwūd b. Qays al-Madīnī" appears there as

"Dāwūd b. Saʿd b. Qays," who is unidentifiable.]

Note that *al-Jāmiʿ al-kabīr* and *al-ṣaghīr*, likewise *al-Aṣl*, say nothing of the whole problem of whether to recite behind an imam. *Āthār* books were evidently for polemic with outsiders, the two *Jāmiʿ*s for internal teaching. The *Mukhtaṣar* of Ṭaḥāwī gives as a rule that one does not recite behind an imam either where the imam recites aloud or otherwise; however, no justification, even the opinion of Abū Ḥanīfah (ed. Abū al-Wafā, 27).

What generalizations may we now make from this comparison? First, the most striking difference in the polemical technique of Shaybānī's *Muwaṭṭaʾ* and *Ḥujjah*, noticed already by Calder, is that the latter argues rationally against reported Medinese positions, besides piling up *ḥadīth* reports (the same and in mostly the same order as the *Muwaṭṭaʾ*), whereas the former just piles up contrary *ḥadīth* reports. Second, reports of Companion and later opinions that are attributed to Mālik himself in Shaybānī's *Muwaṭṭaʾ* are instead attributed generally to the people of Medina in the *Ḥujjah*. Shaybānī argues that Mālik was persuaded by *ḥadīth* to abandon the position of the people of Medina. Third, the *Ḥujjah* occasionally attributes a position to the Medinese not identified as such in the *Muwaṭṭaʾ* or the *Mudawwanah*. Fourth, Shaybānī's *Ḥujjah* treats Mālik as both traditionist and jurisprudent, as jurisprudent clever enough to see that the *ḥadīth* known to him contradicts the position of the people of Medina. In his recension of the *Muwaṭṭaʾ*, Shaybānī treats Mālik more as a transmitter than jurisprudent, as do the early Iraqi biographers Ibn Saʿd (d. Baghdād, 230/845) and especially Fasawī (d. Baṣrah, 277/890).[73] He ignores

[73] The section including Mālik is missing from the standard edition of Ibn Saʿd's great biographical dictionary, mainly *Biographien*, edited by Eduard Sachau, et al., 9 vols. in 15 (Leiden: E.J. Brill, 1904–1940); therefore, see Ibn Saʿd, *al-Ṭabaqāt al-kubrā: al-qism al-mutammim li-tābiʿī ahl al-Madīnah wa-man baʿda-hum*, edited by Ziyād

references to the practice of Medina, so common in Yaḥyā b. Yaḥyā's *Muwaṭṭaʾ*. (I have ignored Calder's argument that the *Ḥujjah* must be later because it knows of Mālikī arguments the *Muwaṭṭaʾ* does not. Calder's theory of growth over time might account for the difference to some extent: that is, if both the *Ḥujjah* and Shaybānī's *Muwaṭṭaʾ* grew over time, each must include material earlier than some material in the other. But I stress also that, following Schacht's method, it is the inconvenient datum we expect to be suppressed, only the convenient we expect to be always cited where appropriate. There are many other examples in the early literature of inaccurately stating a rival school's position.)[74]

On all four grounds, Shaybānī's *Ḥujjah* looks earlier than Shaybānī's *Muwaṭṭaʾ*. Its reliance on reason as opposed to authorities is perhaps the trickiest to judge. That reliance on reason came earlier is the pattern made out by Schacht and Calder, also by Abdel-Magid Turki in the successive extant recensions of the *Muwaṭṭaʾ*.[75] However, it has been questioned by Hallaq.[76] On balance, I am inclined to side here with Schacht and Calder, since the Ḥanafī school was the last to appeal massively to *ḥadīth*. Its argument against a regional school as opposed to a personal also argues for its being earlier. Shaybānī's *Muwaṭṭaʾ* bespeaks resignation at the formation of a personal school resting on *ḥadīth* related by Mālik in the *Muwaṭṭaʾ*.[77]

Finally, the *Ḥujjah*'s knowledge of positions evidently rejected by the later Māliki tradition and its inclination to see Mālik as a clever jurisprudent look early. Let me note here my finding from Ibn Saʿd and especially Fasawī that Mālik had a different reputation in Iraq from what he had in North Africa; his Iraqi partisans respected him

Muḥammad Manṣūr (Medina: al-Jāmiʿah al-islāmīyah and al-majlis al-ʿilmī, 1403/1983), 433–444. Fasawī, *Kitāb al-maʿrifah wa-al-tārīkh*, is available in several editions, but the best seems to be that of Akram Ḍiyāʾ al-ʿUmarī, 4 vols., 3rd ed. (Medina: Maktabat al-dār, 1410/1989); for Mālik, see index, s.n.

[74] See, for example, Jackson, "Setting the Record Straight," 128 and 139.

[75] Turki, "Le *Muwaṭṭaʾ*," 19–21.

[76] See note 52 above. Hallaq's demonstration of posthumous ascription to the eponyms of schools by *takhrīj* remains a major step forward and may prove as important a step forward as Calder's insistence on the fluidity of texts throughout the third century. See further Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), chapters 2–3.

[77] On the sequence of regional, then personal, then guild schools of law, see George Makdisi, "*Ṭabaqāt*-Biography: Law and Orthodoxy in Classical Islam," *Islamic Studies* (Islamabad) 32 (1993): 371–396.

especially as a traditionist, whereas his North African partisans preserved the tradition that Mālik was primarily a perspicuous jurisprudent.[78] Dutton, Motzki, and other defenders of the Mālikī tradition may have assumed better communication between East and West than they should. The continued use of *ra'y* in a positive sense is a sign that the North African tradition is older, and the *Ḥujjah*, in stressing jurisprudence over *ḥadīth*, seems to agree better with the North African Mālik than the Iraqi. All of this is to locate Shaybānī's *Ḥujjah* and *Muwaṭṭa'* in relation to other recensions of the *Muwaṭṭa'* and the *Mudawwanah*. It is not to decide between the late second century and the mid-third.

I have also looked at the two most influential works of Shaybānī within the Ḥanafī school, *al-Jāmiʿ al-kabīr* and *al-ṣaghīr*.[79] Whereas Shaybānī's *Muwaṭṭa'* and the *Ḥujjah* bring up numerous authorities to support their positions whenever they disagree with Mālik's and the Medinese's, the *Jāmiʿ*s are fairly unconcerned with points of disagreement and do not bother to support opinions with evidence. This confirms what Calder says, that authority statements are most numerous at points of disagreement,[80] and more generally what Schacht suggests, that *ḥadīth* reports were generated above all in the course of inter-school polemics.[81] Additionally, I have looked at *Kitāb al-āthār*, which purports to present the *ḥadīth* that Abū Ḥanīfah used.[82] It seems entirely independent of both the *Ḥujjah* and Shaybānī's *Muwaṭṭa'*.

More generally, I conclude from this survey of Ḥanafī polemics that there was an identifiable regional stage to Medinese jurisprudence, to which the *Ḥujjah* is a response, giving way fairly early to a personal. Provisionally, at last (I can hardly frame this as more than what I expect future research to confirm), where Calder put

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[78] Melchert, "How Ḥanafism Came to Originate in Kufa and Traditionalism in Medina," *Islamic Law and Society* 6 (1999): 318–347.

[79] al-Shaybānī, *al-Jāmiʿ al-kabīr*, edited by Abū al-Wafā al-Afghānī (Cairo: Lajnat iḥyā' al-maʿārif al-nuʿmānīyah, 1356; Beirut: Dār iḥyā' al-turāth al-ʿarabī, 1399); al-Shaybānī, *al-Jāmiʿ al-ṣaghīr* (Karachi: Idārat al-Qur'ān wa-al-ʿulūm al-islāmīyah, 1407/1987). When Ḥanafīyah produced commentaries from the early fourth century into the sixth, it was normally on one of these two books, for which see Melchert, *Formation*, 60–67.

[80] Concerning Ḥanafi-Māliki polemic in particular, Calder, *Studies*, 57.

[81] Schacht, *Origins*, Part II, especially 152–162.

[82] al-Shaybānī, *Kitāb al-āthār*, edited by Abū al-Wafā' al-Afghānī, 2 vols., (Karachi: al-majlis al-ʿilmī, 1965; Beirut: Dār al-kutub al-ʿilmīyah, 1413/1993).

the extant works of Shaybānī at about A.H. 250 (later 860s), I am inclined to see a certain spread, with the *Ḥujjah* earliest, the *Muwaṭṭaʾ* a little later, the *Jāmiʿ*s next somewhere in the middle, the *Āthār* and *Aṣl* latest.

IV. *Conclusions*

On Berg's spectrum of sanguine to skeptical, I am not at the skeptical extreme (perhaps G.R. Hawting represents the present skeptical extreme) but certainly far closer there than the sanguine. That is, I admit a normally high degree of extra-Ḥijāzī influence on the early Islamic tradition, a normally high rate of change in the Islamic tradition, and a normally high proportion of back-projection and wishful thinking in Islamic retellings of the community's history—"normally" meaning that it is comparable to what is found in other religious traditions. Regretfully, I acknowledge that this makes me doubtful whether much can be known of earliest Islamic law. The history of Israel before the Exile is a discouraging example. Verifiable data from the first/seventh Islamic century are so scanty, both from within and without the Islamic tradition (e.g., records of non-Rabbinic Judaism), it seems unlikely we shall advance far beyond the sort of speculative reconstructions we have seen already from Crone and Hawting. With other skeptics, however, I feel more hopeful of the second/eighth Islamic century, when the actual rules seem to have taken shape, and most hopeful of the third/ninth, when the formal method of Islamic law was worked out.

A UNIQUE MANUSCRIPT FROM KAIROUAN IN THE BRITISH LIBRARY: THE *SAMĀʿ*-WORK OF IBN AL-QĀSIM AL-ʿUTAQĪ AND ISSUES OF METHODOLOGY[1]

Miklos Muranyi

The systematic collection, identification and historical classification of the old materials available only handwritten form are fundamental prerequisites for the account of the genesis of disciplines of Islamic science. My previous work focused above all on North African manuscript libraries and Mālikī legal history. The early phase of this series of manuscript studies has already led to the discovery that the basic research must methodically employ immense materials even in this relatively small branch of Islamic legal history, in order to be able to demonstrate the essential structures of the development of the Islamic—Mālikī—legal thought. Indeed, it thus concerns the study of Islamic origins, and in view of the research tasks that still lie ahead, the title of this anthology could hardly have been more aptly formulated.

Since J. Schacht's account of Islamic law, the concept of origins has been oriented toward the development of requisite and nonhomogeneous materials in the *Kitāb al-Umm*; recently it has even come into fashion. Individual and global accounts of Islamic law with various and not infrequently controversial results have stimulated welcomed discussions about Islamic legal history and about its origins.[2]

[1] I first reported on the discovery of this manuscript in the framework of the project *Law and State in Classical Islam* at the Institute for Advanced Studies at the Hebrew University of Jerusalem (September 1999–February 2000), which I was able attend because of a fellowship from the University. I thank all my colleagues and friends involved in this project, both for their constructive contributions as well as for their critical questions. I especially thank and acknowledge Professor Yohanan Friedmann, the leader and *spiritus rector* of the project, who invited me to this research stay in Jerusalem and actively supported my work at the University.

The present article was conceived and concluded during my stay in the Bellagio Study and Conference Center of the Rockefeller Foundation in September 2001. I sincerely thank the Rockefeller Foundation and its employees, who so wonderfully exceeded every expectation during these weeks in the Villa Serbelloni.

[2] See for example, Harald Motzki, *Die Anfänge der islamischen Jurisprudenz: ihre*

Apart from some case-studies, these origins are mentioned at best only marginally and in no way directly, because—so it seems—new interpretations of adequately known sources are well to the fore without taking into account the currently known and readily available source materials. Works, such as J.E. Brockopp's study on the structure and legal historical relevance of Ibn ʿAbd al-Ḥakam, are gratifying exceptions in this regard.

In 1967 Schacht had already publically drawn attention to the Kairouan manuscript collection. His first survey with the short description of some unique manuscripts[3] has, however, remained largely unconsidered since. Now we know that the former "mosque library"[4] of Kairouan doubtlessly contains the most important discovery for sketching the foundations of the Medinan-shaped jurisprudence until the late fifth/eleventh century. On the basis of previously arranged materials that can now be supplemented soon by still completely unfamiliar and unsorted manuscripts in the *Qubbat al-Saʿdīyah* of Qarawīyīn from Fez, the basic research is in a position to identify individual groups of work and their relationships to one another through the chronological layers of manuscripts and through the con-

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Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts, Abhandlungen für die Kunde des Morgenlandes Band L, 2 (Stuttgart: Kommissionsverlag F. Steiner, 1991); Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford, Clarendon Press, 1993); Christopher Melchert, *The Formation of the Sunni Schools of Law: 9th–10th Centuries C.E.* (Leiden: E.J. Brill, 1997); Yasin Dutton, *The Origins of Islamic Law: The Qurʾan, the Muwaṭṭaʾ, and Madinan ʿAmal* (London: Curzon, 1999); Irene Schneider, *Kinderverkauf und Schuldknechtschaft: Untersuchungen zur frühen Phase des islamischen Rechts*, Abhandlungen für die Kunde des Morgenlandes Band LII, 1 (Stuttgart: Kommissionsverlag F. Steiner, 1999); U. Mitter, *Das frühislamische Patronat: Eine Untersuchung zur Rolle von fremden Elementen bei der Entwicklung des islamischen Rechts* (Ph.D. Disseration, Nijmegen: 1999); Jonathan E. Brockopp, *Early Mālikī Law: Ibn ʿAbd al-Ḥakam and his Major Compendium of Jurisprudence* (Leiden: E.J. Brill, 2000).

[3] Schacht, "On Some Manuscripts in the Libraries of Kairouan and Tunis," 14 *Arabica* (1967): 225ff.

[4] I always use the term "mosque library," knowing full well that there was never a library in Kairouan comparable to other oriental libraries (al-Qarawīyīn, al-Ẓāhirīyyah, al-Azhar—to say nothing of the collection in Istanbul). The local designations of the *ḥubus*-deposited manuscript collection in the main mosque as *al-maktabah al-ʿatīqah* or *al-maktabah al-atharīyah* are originally rather arbitrary, as are newer dates of the library stamp from the 30's, which appear in only few manuscripts. Until to the destruction of the city by the Arab tribes in the middle of the eleventh century, the main mosque appeared as the place of learning and of lessons in the form of lectures in only a few colophon notes. The lessons took place mainly in private houses instead, particularly because the tension between the *madhāhib* or because of political turbulence. Information regarding the operation of the main mosque's affiliated library is missing, despite the *Sijill* found from the year 693/1294.

struction of fragment catalogs. Therefore, genuine origins: their written fixity and transmission in the generation immediately after their authors can be dated. Above all, legal texts can be identified and classified according to genres, which are differentiated from Mālik's *Muwaṭṭaʾ*—in its various recensions—both in terms of content and structure. Those observed in the *Muwaṭṭaʾ*-recensions with their relatively consistent dual approach of describing and defining legal norms by resorting to the Medinan tradition material and by harmonizing them with accepted legal practice are surely not to be regarded as the oldest Islamic legal thinking transmitted in written form, nor do they represent the archaic genre in the early literature.

Rather, we have to assume that even before the first propagation of Mālik's *Muwaṭṭaʾ* via his pupils, which obviously had no uniform textual existence and was not the of "edition of the last editor," *fiqh* books emerged that recalled in their structure the *mukhtaṣar* works of the third century A.H. Doubtlessly, the *fiqh* book of the Medinan al-Mājishūn belongs to this category.[5] Collections from individual, often isolated legal questions (*masāʾil*) would fulfill the need for clarification in practical legal cases, which we encounter as *Samāʿ* and *Majālis* and often have the character of lecture notes. Some were arranged according to subjects of *fiqh*, others again did not even require this clarity; this can be observed in the writings the Egyptian Ashhab b. ʿAbd al-ʿAzīz—in the direct transmission of his pupil al-Barqī: in the *Majālis* of Ashhab. However, preference for the system of ordering material according to *abwāb al-fiqh* seems early; the two oldest *Samāʿ* works were already transmitted arranged according to subjects: one is the collection of the Andalusian Ziyād b. ʿAbd al-Raḥmān (d.c. 193/808), called Shabaṭūn by Medinan authorities,[6] the other one is the completely preserved *kurrāsah* from the *Samāʿ* of the Egyptian Ibn al-Qāsim al-ʿUtaqī.

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[5] See Muranyi, *Ein altes Fragment medinensischer Jurisprudenz aus Qairawān: aus dem Kitāb al-Ḥağğ des ʿAbd al-ʿAzīz b. ʿAbd Allāh b. Abī Salama al-Māğišūn (st. 164/780–81)*, Abhandlungen für die Kunde des Morgenlandes Band XLII, 3 (Stuttgart: Kommissionsverlag F. Steiner, 1985). Further partial works from the same *kurrāsah*, which were found only later in Kairouan, exhibit the same structure.

[6] Currently only four folios on parchment with thirteen chapter titles exist. They deal with legal questions of *buyūʿ*. In March 1999 I found the fragment under 162 unordered loose pages of parchment, which did not belong together in terms of content. The manuscript was written by Abū al-ʿArab al-al-Tamīmī, but neither the *Vorlage* nor the *transmission* can be determined from the available fragment. We must consequently await further discoveries—so far as available.

Since both collections are copies from the middle of the fourth/tenth century, their respective chapter arrangement can also be regarded as a product of the editorial work of subsequent generations, without having clear criteria for it. However, an *abwāb*-arrangement made later was hardly the exception. From the *Mustakhrajah min al-asmiʿah* of the Andalusian al-ʿUtbī (d. 255/869), which will be discussed below, some fragments are present in the chapter arrangement (*tabwīb wa-tarsīm*) of Ibn Abī Zayd al-Qayrawānī.[7] Also, in Andalusia someone provided the collection with chapter headings, using Saḥnūn's *Mudawwanah* as a guide.[8] These editorial interferences surely took place due to practical considerations and did not affect the content of these writings. As for the deviations in the actual text, which are not rarely encountered in the *Vorlagen* employed, attention was drawn to them in marginal notes.

The view of some skeptics, that the contents of a manuscript might only at best be as old as the manuscript, inevitably leads to a wrong chronology in the genesis of the origins. If one is, however, in the fortunate position of having access to as yet unknown materials, which had been known thus far—if at all—through secondhand or only as partial quotations, the issue of a manuscript's age arises primarily after its location in the early literature and before one devotes oneself to its contents. In brief, it depends first on *where* the material is located and not on *what* it contains.

Detailed manuscript analyses have so far convincingly shown that the extant texts in most cases go back to older sources. They describe these older sources with remarkable meticulousness, collate with one another, and even document differences in the transmission of contents. In examining this information, we are not concerned at all, however, with the often asked question regarding the reliability of the *isnād*s of individual dicta. Instead, we are primarily concerned with the actual work's transmission, i.e., the passing on of a *corpus iuris* in the actual manuscript in question. Again and again the arguments produced by the skeptics against the great age of this litera-

[7] See Muranyi, *Materialien zur mālikitischen Rechtsliteratur* (Wiesbaden: Harrassowitz, 1983), 52–55.

[8] See Muranyi, *Materialien*, 55, for Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, edited by F. Codera (Madrid: La Guirnalda, 1890), no. 663 and 1307.

ture are easily refuted through these text-historically relevant—prudently surveyed—comments, colophons and collation notes.[9]

In the following contribution I present a work from the early period that is important for the Mālikī legal literature. Its structure, contents and transmission show the archaic type of written transmitted materials from the late second Muslim century. It is a work, whose significance into late fourth/tenth century. was undisputed compared with Mālik's *Muwaṭṭa*ʾ—with its different and in now way homogeneous recensions. It concerns the briefly aforementioned *masāʾil* collection of Ibn al-Qāsim al-ʿUtaqī, which in the Mālikī literature is classified as a precursor, but not necessarily as a *Vorlage* for Saḥnūn's *al-kutub al-mudawwanah.*

The manuscript came to light by chance, where one hardly anymore counts on such surprises: in the British Library in London. It is beyond a doubt that the manuscript was originally taken from the Kairouan manuscripts at the time of its acquisition in 1927.

In the oriental manuscript collection of the British Library under the catalog number 9810 there are four volumes comprising different parts (*ajzāʾ*) of the *Mudawwanah* of Saḥnūn on parchment (*raqq*); they remained, however, neglected by F. Sezgin in the appropriate place.[10] In the updated *List of Oriental Manuscripts* in the entry for the year 1927, these parts were mentioned for the first time: ". . . sixteen large

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[9] See Muranyi, *Beiträge zur Geschichte der Ḥadīṯ- und Rechtsgelehrsamkeit der Mālikiyya in Nordafrika bis zum 5. Jh. d.H.: Bio-bibliographische Notizen aus der Moscheebibliothek von Qairawān* (Wiesbaden: Harrassowitz, 1997). Sometimes the objections of the skeptics go too far and border on lack of understanding; Rippin in his review of the provisional summary of my studies of the manuscripts in the Kairouan mosque library in aforementioned *Beiträge* responds with extremely noteworthy appreciation:

> Muranyi has not included the catalogue numbers for the individual manuscripts because of the complicated reference system currently in place (see p. XXXV, note 1). Personally, I find this frustrating: the lack of precise detail leaves me questioning the facts, having to accept matters on trust. Rippin, "Review of *Beiträge*," *Journal of Semitic Studies* 45 (2000): 216.

Those are, if you will pardon me saying so, frightening visions of the skeptic, which I cannot reconcile with a critical view of my research results. Again and again for over 15 years we opened new cartons, envelopes, bags, etc. in Kairouan in which pages of parchment with different provenances were put together unobjectively and arbitrarily. Therefore, we asked for contents, but not for a number that stood possibly and purely coincidentally on a damaged carton or envelope. Nevertheless: *mea culpa* for my footnote 6 above. Thus the matters stand.

[10] F. Sezgin, *Geschichte des arabischen Schrifttums, Band I: Qurʾānwissenschaften, Ḥadīṯ, Geschichte, Fiqh, Dogmatik, Mystik bis ca. 430 H.* (Leiden: E.J. Brill, 1967), 1:469.

portions of the *Kitāb al-mudawwanah* in the recension [*sic*] of Saḥnūn ibn Saʿīd . . . one portion being dated 394 A.H. and another 381 A.H."[11] The library last referred to these fragments under the title as *al-Mudawwanah al-kubrā*.[12]

Volume A (132 folios) and Volume B (57 folios) of this collection are in accordance with script of Andalusian origin and might have been produced in end of fifth/eleventh century. Comparable manuscripts of the *Mudawwanah* are found in several dossiers in the Qarawīyīn library of Fez, which originated between 496–518/1102–1124 in al-Andalus.[13]

Volume C (19 folios) and volume of D (17 folios) likewise contain only fragments and are tied together in a volume. Volume C has some chapters from the *Kitāb al-nikāḥ* of the *Mudawwanah* as their subject; to all appearances this remnant of a book originated from the inventory of the former mosque library of Kairouan. The fragment ends with the *Kitāb al-nikāḥ* and a dated certificate of Jumādā II, 381/August 991. In some marginal notes Yaḥyā b. ʿUmar al-Kinānī (213/828–289/902)[14] of Kairouan is quoted, who among other things is known as a *rāwī* of the *fiqh* books of Saḥnūn. A supplement at the colophon already originates from his circle of students, with Abū Bakr b. al-Labbād (d. 333/944).[15] Similar supplements from early fourth century A.H. are also documented in other Kairouan fragments of the *Mudawwanah,* which belong today to the inventory of the mosque library. A further supplement of altogether ten lines, which is very damaged by the absence of 15 to 20 letters in each line, likewise originates from Kairouan and goes back to a gloss from Muḥammad b. Masrūr al-ʿAssāl (d. 346/958);[16] it contains three legal questions from the Egyptian jurist Muḥammad b. ʿAbd of Allāh b. ʿAbd al-Ḥakam in the *riwāyah* of the Qairawānī Muḥammad b. Muḥammad b. Khālid al-Ṭarazī (d. 317/927).[17]

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[11] The note "and another 381 A.H." is an interlinear addition by another hand.

[12] R. Vassie, ed., *A Classified Handlist of Arabic Manuscripts Acquired since 1912*, (London: British Library, 1995), 1:22–23, no. 148–152.

[13] See Muranyi, *Die Rechtsbücher des Qairawāners Saḥnūn b. Saʿīd: Entstehungsgeschichte und Werküberlieferung*, Abhandlungen für die Kunde des Morgenlandes Band LII, 3 (Stuttgart: Kommissionsverlag F. Steiner, 1999), 93ff. and 155–165.

[14] See Muranyi, *Beiträge,* 92ff. and 114–117; Muranyi, *Die Rechtsbücher*, 66–69.

[15] Muranyi, *Beiträge*, 189ff. and 193–194; Muranyi, *Die Rechtsbücher*, 67–68 and xiii n. 6.

[16] Muranyi, *Beiträge*, 213–217; Muranyi, *Die Rechtsbücher*, 55–58.

[17] al-Qāḍī ʿIyāḍ b. Mūsā al-Yaḥṣubī, *Tartīb al-madārik wa-taqrīb al-masālik li-maʿri-*

Volume D contains only 17 folios from the *Kitāb al-waṣāyā* of the *Mudawwanah* and is most likely of Andalusian origin.

Volume E, in all 20 folios, is the only *juzʾ* in this collection, which survives complete with title page, final page and colophon. However, the manuscript was falsely assigned to the above fragments of Saḥnūn's *al-Mudawwanah* and so was obviously overlooked in past research. Vassie has only the short note: "The chapter on vows (*Kitāb al-nudhūr*) from a vellum fragment, apparently from the above work. Copy dated 394/1003."[18]

In terms of legal history, the book is certainly not the *Mudawwanah* of Saḥnūn, but a precursor related to it in the *riwāyah* of Saḥnūn: the *Samāʿ* of the Egyptian ʿAbd al-Raḥmān b. al-Qāsim al-ʿUtaqī (d. 191/806),[19] the most important and probably most well-known source of Saḥnūn in the *Mudawwanah.* Also, this manuscript originally belonged to the inventory of the mosque library in Kairouan and on the title page contains multiple documented donation notes from the end of the fourth or early fifth century A.H. in a Kairouanī style. Even in the now nearly completely registered legal books in the Kairouan library the *Samāʿ*-work of Ibn al-Qāsim al-ʿUtaqī is a rarity. Because so far only once has a title page and a final sheet of one *kurrāsah* from the *Kitāb al-nikāḥ wa-al-riḍāʿ min Samāʿ Ibn al-Qāsim* in a copy of Abū al-ʿArab al-al-Tamīmī (d. 333/945) come to light there.[20] The find in the British Library gains significance also in this regard: the manuscript contains the complete *Kitāb al-nudhūr* from the *masāʾil*-collection of the Egyptian Ibn al-Qāsim with an exact description of the scholarly circles of Kairouan of early fourth century A.H. from the work's title on the title page and from the *riwāyah* on the final sheet.

fat madhhab Mālik, (Rabat: Wizārat al-awqāf wa-al-shuʾūn al-islāmīyah, 1965–1983), 5:103. See also Muranyi, *Die Rechtsbücher*, xiii n. 7.

[18] Vassie, *Classified Handlist*, 1:22–23, no. 148–152.

[19] For him, see al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 3:244; Ibn Farḥūn, *al-Dībāj al-mudhahhab fī maʿrifat aʿyān ʿulamāʾ al-madhhab*, edited by Muḥammad al-Aḥmadī Abū al-Nūr (Cairo: Dār al-turāth, 1972), 1:465; al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, edited by Shuʿayb al-Arnaʾūṭ and Ḥusayn al-Asad (Beirut: Muʾassasat al-risālah, 1986), 9:120–125; al-Dhahabī, *Taʾrīkh al-islām*, edited by ʿUmar ʿAbd al-Salām Tadmūrī (Beirut: Dār al-gharb al-islāmī, 1991), 13:274–278; al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, edited by Bashshār ʿAwwād Maʿrūf (Beirut, Muʾassasat al-risālah, 1983), 17:344–347; al-Maqrīzī, *al-Muqaffā al-kabīr*, edited by Muḥammad al-Yaʿlāwī (Beirut: Dār al-gharb al-islāmī, 1991) 4:48; Sezgin, *Geschichte des arabischen Schrifttums*, 1:465.

[20] Muranyi, *Beiträge*, 54; see below, p. 000.

I

The title page (folio 1a) in the line arrangement of the original:

1 كتاب النّذور من سما

2 ع ابن القاسم من مالك

3 بن أنس رواية سحنون بن

4 سعيد عن عبد الرّحمان بن القاسم

5 عن مالك بن أنس رحمت (!) الله عليه

6 وصلّى الله على نبيّه محمّد وعلى آله وسلّم

7 مـمّا حبسه محمّد بن عيسى بن مناس على مَنْ يقول

8 بـمذهب مالك بن أنس رضي الله عنه

At the upper lefthand side of the title page, the collation of the *kurrāsah* with the *Vorlage* employed is endorsed with the customary note in Kairouan manuscripts, قوبل وصحّ.[21]

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[21] It is worth mentioning the spelling of *raḥmatu Allāh* in line five of the title with *tāʾ-ṭawīlah*, which is frequently encountered in papyrus fragments of the same time and earlier. See R.G. Khoury, *Chrestomathie de Papyrologie Arabe: documents relatifs à la vie privée, sociale et administrative dans les premiers siècles islamiques* (Leiden, E.J. Brill, 1993), 167–169. Khoury, *ʿAbd Allāh b. Lahīʿa (97–174/715–790): juge et grand maître de l'Ecole Egyptienne: avec édition critique de l'unique rouleau de papyrus arabe conserve à Heidelberg* (Wiesbaden: Harrassowitz, 1986), 248 line 25 (Arab text) in the Heidelberg papyrus rolls. Amongst the Kairouan manuscripts this is rather a rarity. In a private letter of Saḥnūn to a certain Ziyād Shabaṭūn, this spelling appears in the salutation at the end.

Obviously Ziyād b. ʿAbd al-Raḥmān, known as Shabaṭūn (d. between 193–204/808–819), is not meant in this letter of Saḥnūn, rather his grandson, Ziyād b. Muḥammad b. Ziyād (d. 273/886). Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, 458; al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 4:441; see M. Fierro, "Tres familias andalusies de epoca Omeya apodadas 'Banū Ziyād'", in *Estudios Onomástico-biográficos de al-Andalus V*, edited by Manuela Marín and Jesús Zanón (Madrid: Consejo Superior de Investigaciones Científicas, 1992), 103–104. Why he was also called by the same *laqab* is unknown.

In the last *juzʾ* of the *Musnad ḥadīth Mālik b. Anas* of the Baghdādī Qāḍī Ismāʿīl b. Isḥāq (folio 7b, line 10), in a tradition quoted from ʿĀʾishah in the manuscript of the recension from al-Qaʿnabī, this spelling is once again verified: *al-salāmu ʿalayka ayyu-hā al-nabīyu wa-raḥmatu Allāhi* [رحمت الله]; see *al-Muwaṭṭaʾ* [recension al-Qaʿnabī], edited by ʿAbd al-Majīd Turkī, (Beirut: Dār al-gharb al-islāmī, 1999), 278–279.

Colophon

The book ends on fol. 20b in the script of the entire manuscript with the following entry, here again in the line arrangement of the original:

1 تمّ كتاب النّذور والحمْدُ لله على عوْنه وإحسانه

2 وصلّى الله على نبيِّه محمّدٍ وعلى آله وسلّم تسليمًا كثيراً

3 وذلك في شهر صفر من سنة أربعة (!) وتسعين وثلاثمائة من التأريخ

4 كتبتُهُ من كتاب أبي القاسم زياد بن يونس السّدريّ وقابلتُهُ به ، وصحّحته عليه وقرأْتُهُ على

5 أبي الحسن عليّ بن محمد بن مسرور الدبّاغ سنة أربعة (!) وأربعين وثلاثمائة

Chapter headings

The manuscript begins on folio 1b with a section with a total of 18 lines, which does not have a *bāb*-heading. Of it only one *mas'alah* is preserved as a parallel text in Abū al-Walīd b. Rushd's commentary of the *ʿUtbīyah*: "*su'ila ʿan rajulin sa'ala rajulan amran yukhbiru-hu* . . .".[22]

Most chapter headings of the manuscript are graphically emphasized in a decorative script of Kairouan. In addition, there are a considerable number of *abwāb* titles in the normal script of the manuscript and without beginning a new line.

In the following I provide after the chapter headings of the manuscript those parallel passages present in the *ʿUtbīyah* commentary of the Andalusian Abū al-Walīd b. Rushd in his monumental *al-Bayān wa-al-taḥṣīl wa-al-sharḥ wa-al-tawjīh wa-al-taʿlīl fī masā'il al-Mustakhrajah*. Beside the parallel text in *al-Bayān wa-al-taḥṣīl* is the reference to the corresponding passage in our manuscript.

The manuscript was already transmitted in Kairouan and produced during the lifetime of the author; it has at the end a secondary, thus a *later* entry, from the year 283/896. See my "Qairawāner Miszellaneen II," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 138 (1988): 128ff.

Still, in a relatively late manuscript of the mosque library, on the title page of the second part of the *Kitāb al-maʿūna li-dars madhhab ʿālim al-Madīnah imlā'* of Qāḍī ʿAbd al-Wahhāb b. ʿAlī (d. 422/1031), in the possession of a certain Muḥammad b. Ibrāhīm al-Ghāfiqī of Kairouan, the old spelling, رحمت الله عليه, appears under the name of the author also.

[22] Abū al-Walīd b. Rushd al-Qurṭubī, *al-Bayān wa-al-taḥṣīl wa-al-sharḥ wa-al-tawjīh wa-al-taʿlīl fī masā'il al-Mustakhrajah*, edited by Muḥammad Ḥijjī *et alii* (Beirut: Dār al-gharb al-islāmī, 1984), 3:107–108.

Abū al-Walīd b. Rushd always took these passages directly from the *ʿUtbīyah*. There they go back with the *riwāyah*: Muḥammad b. ʿUmar b. Lubābah (d. 314/926)—al-ʿUtbī (d. 255/869)—Saḥnūn—Ibn al-Qāsim (—Mālik). We do not know whether al-ʿUtbī used in his work all the *masāʾil* that Ibn al-Qāsim provided in his *Samāʿ*. It appears that the commentary of the Abū al-Walīd b. Rushd contains thus far our most important access to the *Mustakhrajah min al-asmiʿah* of al-ʿUtbī, though it does not contain by far not all of the transmitted legal questions in the *Samāʿ* work of Ibn al-Qāsim in question.

Folio 1b:

ما لا يكون فيه اللغو من الأيمان ؛
ما يُكْرَهُ الحلف فيه ؛
القسم في العزيمة ؛

Folio 2a:

طول الهجرة ؛
الحلال على حرام ؛
ما يجوز مِنَ الرّقاب ؛

al-Bayān wa-al-taḥṣīl, 12:441: *al-rajulu yūṣī bi-raqabatin* . . . (folio 2a).

استبدال الرّقاب ؛

Folio 2b:

كفّارة الأيمان ؛
كفّارة قتْل الخطأ وغيره ؛

Folio 3a:

الإطعام في الكفّارات ؛

al-Bayān wa-al-taḥṣīl, 5:169: *suʾila ʿan rajul yakūnu ʿalay-hi kaffāratu al-ẓihār* . . . (folio 3a).

مَنْ حلف بالمشي إلى بيْت الله فحَنَثَ

al-Bayān wa-al-taḥṣīl, 3:463: *qāla Mālik man ḥalafa bi-al-mashy ilā bayti Allāhi* . . . (folio 3a);[23] *al-Bayān wa-al-taḥṣīl*, 3:133–134: *suʾila Mālik ʿan imraʾatin al-mūlā ʿalay-hā* . . . (folio 3b); *al-Bayān wa-al-taḥṣīl*, 3:444–445:

[23] Also compare with Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 3:131.

su'ila ʿan rajulin awṣā an yumshā ʿan-hu . . . (folio 3b); *al-Bayān wa-al-taḥṣīl*, 3:404: *wa-qāla Mālik man kharaja fī mashyin ʿalay-hi* . . . (folio 4a).

Folio 4a:

التّخيير في النّذر ؛
مَنْ نذر صيامَ سَنَةٍ والأشهر الحرم ؛

Folio 4b:

مَنْ نذر شهراً بعيْنه فمرض أو شغل ؛

al-Bayān wa-al-taḥṣīl, 2:304: *qāla Mālik fī alladhī nadhara ṣiyāma yawmi al-khamīs* . . . (folio 4b).

مَنْ نذر ألاّ يكلّم إنسانًا ؛

al-Bayān wa-al-taḥṣīl, 2:305: *wa-su'ila ʿamman nadhara ṣiyāman bi-al-Madīnati* . . . (folio 4b).

نذْر الطّاعة والـمَعْصية ؛

al-Bayān wa-al-taḥṣīl, 3:474: *wa-qāla fī imra'atin jaʿalat ʿalā nafsi-hā mashyan ilā bayti Allāhi* . . . (folio 4b); *al-Mudawwanah*, 3:111: *qāla Ibn al-Qāsim man nadhara an yuṭīʿa Allāha fī ṣiyāmin au ṣalātin* . . . (folio 5a; see below, page 000).

Folio 5a:

الحلف بهدْي رجلٍ حرّ ؛

al-Bayān wa-al-taḥṣīl, 3:132–133: *wa-su'ila ʿan al-rajul yaḥlifu an yaḥmila al-shay' ʿalā ʿunuqi-hi* . . . (folio 5b).

Folio 5b:

مَنْ نَذَرَ حمْل ما لا يطيق إلى بيْت الله ونذر العبْد ؛
مَنْ نذر ألاّ يكلّم إنسانًا ؛
كفّارة طعام العبْد ؛
ما ليس فيه كفّارة ؛
الصّيام في الكفّارة مِنَ الظّهار ؛

Folio 6a:

مَنْ نَذَرَ جوار أيّام ؛
نذْر مشْي إلى مسْجد النّبيّ وبيْت الـمقدس ؛
مَنْ جعل على نفْسه الإحرام منْ حجّ أو عمرةٍ ؛
مَن جعل ماله أو شيئا من مالَه هديًا في سبيل الله حتّى يجد
صاحبه ؛

Folio 6b:

نذْر نحْر البدن ؛

al-Bayān wa-al-taḥṣīl, 3:125: *suʾila ʿan ibnay ʿammin waqaʿa bayna-humā mīrāth* . . . (folio 7a); *al-Bayān wa-al-taḥṣīl*, 6:26: *wa-suʾila ʿan rajulin ḥalafa bi-ṭalāqi imraʾati-hi la-yarfaʿanna amran ilā al-sulṭān* . . . (folio 7b); *al-Bayān wa-al-taḥṣīl*, 6:24: *wa-suʾila ʿan rajulin kānat bayna-hu wa-rajulin khuṣūmatun* . . . (folio 7b).

نذر نحر الولد وغيره ؛

Folio 8a:

مَنْ حلف ألاّ يدخل بيْتًا بليلٍ أو نهارٍ ؛
مَنْ حلف في طعام بيده ألاّ يأكل منه رجلٌ ؛
ومَنْ حلف ألاّ يأكل طعاما دُعي إليه ؛
مَنْ حلف ألاّ يدخل دار رجلٍ سمّاه ؛
مَنْ حلف ألاّ يلبس ثوبًا بعيْنه ؛
مَنْ حلف ألاّ يكلّم رجلا ليلةً ؛

Folio 8b:

ما يُنَوَّى فيه الحالف ؛

al-Bayān wa-al-taḥṣīl, 6:16: *wa-suʾila ʿan rajulin ḥalafa allā yukallima imraʾata-hu kadhā wa-kadhā* . . . (folio 8b); *al-Bayān wa-al-taḥṣīl*, 3:112: *wa-suʾila ʿan rajulin allā yusākina rajulan fa-sāfara maʿa-hu* . . . (folio 8b); *al-Bayān wa-al-taḥṣīl*, 6:8–9: *wa-suʾila ʿan rajulin kānat maʿa-hu ukhtu imraʾati-hi fī baytin sākinatan maʿa-hu* . . . (folio 8b); *al-Bayān wa-al-taḥṣīl*, 6:28–29: *wa-suʾila ʿan rajulin kāna la-hu sawṭun wa-anna-hu ghāba ʿan ahli-hi* . . . (folio 8b); *al-Bayān wa-al-taḥṣīl*, 6:57: *wa-suʾila ʿan rajulin ḥalafa bi-ṭalāqi imraʾati-hi wa-ghāḍabat-hu* . . . (fol. 9a); *al-Bayān wa-al-taḥṣīl*, 6:46: *wa-suʾila ʿan rajulin ḥalafa bi-ṭalāqi imraʾati-hi al-batta wa-ʿūtiba fī shayʾin min amri-hā* . . . (folio 9a); *al-Bayān wa-al-taḥṣīl*, 6:18: *wa-suʾila ʿan al-rajuli yaḥlifu li-imraʾati-hi bi-ṭalāqi-hā al-batta in anfaqa ʿalay-hā sanatan* . . . (folio 9a); *al-Bayān wa-al-taḥṣīl*, 3:103: *wa-suʾila ʿan imraʾatin dakhala ʿalay-hā zawju-hā fa-wajada ʿinda-hā qarābatan* . . . (folio 9a); *al-Bayān wa-al-taḥṣīl*, 6:41–42: *wa-suʾila ʿan rajulin qālat la-hu imraʾatu-hu yā ibna al-khabīthah* . . . (folio 9a; compare with folio 11b below); *al-Bayān wa-al-taḥṣīl*, 5:221: *wa-suʾila ʿan rajulin qāla li-imraʾati-hi ḥurrima ʿalay-ya mā ḥalla lī* . . . (folio 9b); *al-Bayān wa-al-taḥṣīl*, 5:226: *wa-suʾila*

ʿan rajulin waqaʿa bayna-hu wa-bayna imraʾati-hi yamīnun [*sic*—correct: *sharrun*] . . . (folio 9b); *al-Bayān wa-al-taḥṣīl*, 3:111: *wa-suʾila ʿan rajulin ḥalafa in nāma ḥattā yūtira fa-ʿalay-hi ṣadaqatun* . . . (folio 9b); *al-Bayān wa-al-taḥṣīl*, 6:40: *wa-suʾila ʿan ghulāmin rāhaqa al-ḥuluma* . . . (folio 10a).

Folio 10b:

ما يلزم من الأيـمان ؛
إصابة الرّجل الجارية فيها يـمينٌ ؛

Folio 11a:

يـمينُ الـمُكْرَه ؛
مَنْ حلف ألاّ يضع من ثمن سلعةٍ باعها ثـمّ أراد أنْ يُقيل منها ؛

Folio 11b:

الحلف بالطّلاق ممّا نسك فيه للشّـبهة

al-Bayān wa-al-taḥṣīl, 6:7: *wa-suʾila ʿan rajulin ḥalafa fa-qāla imraʾatu-hu ṭāliq in zidtu ʿalā raṭlin wa-rubʿin* . . . (folio 11b); *al-Bayān wa-al-taḥṣīl*, 6:36: *suʾila ʿan rajul ḥalafa bi-taṭlīqin ʿalā mawti nāqatin* . . . (fol. 11b); *al-Bayān wa-al-taḥṣīl*, 6:41–42: *wa-mā dhakarta min imraʾati al-rajuli alladhī qālat la-hu imraʾatu-hu yā ibna al-khabīth thumma jaḥadat an takūna qālat dhālika la-hu* . . . (folio 12a; compare with folio 8b above).

Folio 12a:

الرّجل يحلف بالطّلاق ليقضينّ رجلا حقّه إلى أجلٍ ؛

al-Bayān wa-al-taḥṣīl, 6:27: *wa-suʾila ʿan rajulin yakūnu la-hu ʿalā al-rajuli al-ḥaqqu fa-yaḥlifu bi-ṭalāqi imraʾati-hi la-yaqḍiyanna-hu ḥaqqa-hu* . . . (folio 12b);

Folio 13a:

مَنْ حلف على الـمنفعة ؛

Folio 13b:

جامع الحنث ؛

al-Bayān wa-al-taḥṣīl, 3:93: *suʾila ʿan mamlūkin ḥalafa li-gharīmi-hi* . . . (folio 13b); *al-Bayān wa-al-taḥṣīl* 3:112: *wa-suʾila ʿan rajulin ḥalafa ʿalā jāriyatin la-hu bi-ʿitqi mā yamliku fī ʿūdin bi-yadi-hi* . . . (folio 14a); *al-Bayān wa-al-taḥṣīl*, 6:43: *wa-suʾila ʿan rajulin kasā imraʾata-hu thawbayni* . . . (folio 15a).

Folio 15b:

مَنْ حلف ألاّ يساكن رجلا ويجاوره ولا يصحبه ؛

Folio 16b:

باب مَنْ حلف بالطّلاق على ضرْب الخطأ والنسيان ؛

al-Bayān wa-al-taḥṣīl, 9:306: *wa-suʾila ʿan rajulin ḥalafa la-yajlidanna imraʾata-hu khamsīna sawṭan* . . . (folio 17a).

Folio 17a:

جامع الأيـمان ؛

al-Bayān wa-al-taḥṣīl, 6:33: *wa-suʾila ʿan rajulin kāna (sic) bayna-hu wa-bayna rajulin munāzaʿatun* . . . (folio 17a); *al-Bayān wa-al-taḥṣīl*, 6:32: *wa-suʾila ʿan rajulin kānat la-hu bint mutazawwijah fa-qāma bayna-hā wa-bayna zawji-hā sharr* . . . (folio 17a); *al-Bayān wa-al-taḥṣīl*, 3:100: *wa-suʾila ʿan rajulin kāna la-hu ʿalā rajulin ḥaqqun fa-maṭala-hu bi-hi* . . . (folio 17b); *al-Bayān wa-al-taḥṣīl*, 6:21: *wa-suʾila ʿan rajulin istaʾjara rajulan yaʿmalu la-hu* . . . (folio 18b); *al-Bayān wa-al-taḥṣīl*, 6:42: *wa-suʾila ʿan rajulin kānat bayna-hu wa-bayna imraʾati-hi munāzaʿatun fī baytin* . . . (folio 18b); *al-Bayān wa-al-taḥṣīl*, 6:20: *wa-suʾila ʿan rajulin ḥalafa bi-ṭalāqi imraʾati-hi al-batta in kharajat ilā ahli-hā* . . . (folio 18b); *al-Bayān wa-al-taḥṣīl*, 6:22: *qāla Ibn al-Qāsim wa-ḥaddadhanī Ibn Kināna anna Mālikan suʾila ʿan rajulin saʿala rajulan salafan* . . . (folio 18b); *al-Bayān wa-al-taḥṣīl*, 6:55–56: *wa-suʾila ʿan rajulin ishtarat imraʾatu-hu thawban bi-daynin* . . . (folio 18b); *al-Bayān wa-al-taḥṣīl*, 14:413–414: *wa-suʾila ʿan imraʾatin kānat tabītu maʿa ʿammin la-hā* . . . (folio 18b).

Folio 19b:

مَنْ حلف على أمْرٍ بعتْق رقيقٍ له ثمّ أفاد بعد اليمين رقيقًا ؛

الّذي يحلف على تكذيب مَنْ يشهد عليه والّذي يُقرّ على نفسه باليمين ؛

مَنْ حلف ليتزوّجن على امرأته ؛

Folio 20a:

مَنْ يحلف البيّنة على ما يدّعي في [....] ؛

رجوع اليمين على ما بقي من الطّلاق ؛

II

Transmission of the work

The *riwāyah* of the manuscript can be nearly completely reconstructed on the basis of the data on the title page and final page up to its

production in the year 394/1003. As in some other fragments of legal books of Egyptian origin in the Kairouan mosque library, the direct borrowing of the work of the author and his transmission in Kairouan is this time again connected with the name Saḥnūn b. Saʿīd (160/776–240/854), who began his prolonged study trip to Egypt, Syria and the Ḥijāz most likely in the year the 178/794–795. At the age of twenty-five he studied in the circle of Ibn al-Qāsim al-ʿUtaqī, his most important source in the *Mudawwanah* and *Mukhtaliṭah*, in Fusṭāṭ. He returned around 190–191/805–806 to his hometown Kairouan.[24]

The work's transmission in the generation subsequent to Saḥnūn is attested in the colophon of the manuscript: the copyist, who otherwise does not identify himself elsewhere in the manuscript, studied the *Samāʿ*-work in the circle of ʿAlī b. Muḥammad b. Masrūr al-Dabbāgh, Abū al-Ḥasan (271/884–359/970) of Kairouan. The latter had made a name for himself in the early fourth century A.H. as *rāwī* of several writings—Saḥnūn's *Mudawwanah*, Mālik's *Muwaṭṭaʾ* in the recension of Ibn al-Qāsim, Ibn Wahb's *al-Jāmiʿ* and Ibn ʿAbd al-Ḥakam's *al-Mukhtaṣar al-kabīr fī-al-fiqh*.[25] His contemporary Ziyād b. Yūnus, Abū al-Qāsim al-Sudrī (282/895–361/972), possessed many books according to the biographical information,[26] which is now confirmed also with several colophons of Kairouan manuscripts.[27] His copy was that *Vorlage*, which the copyist used in the production of this book (*katabtu-hu min kitāb Abī al-Qāsim*), in order to thereby collate it (*wa-qābaltu-hu bi-hi*), and then also to correct it (*wa-ṣaḥḥaḥtu-hu ʿalay-hi*). Between the study of the *Samāʿ* with al-Dabbāgh in the year 344/955 and the preparation of the book thus lie exactly fifty years; therefore the copy of al-Sudrī must have been in the possession of the copyist, in order for the available *kurrāsah* to have been prepared in Ṣafar 394/1003.

That the manuscript was prepared using an older written *Vorlage* is documented not only by the aforementioned colophon note; this can be derived also from the typical errors, which a copyist commits not rarely with the production of a manuscript. Such copying

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[24] Regarding him and his teaching activities, see Muranyi, *Beiträge*, 33–35. For the dates of his study trip, see the same and Muranyi, *Ein altes Fragment*, 11ff.

[25] See Muranyi, *Beiträge*, 221–225.

[26] ʿAbd al-Raḥmān b. Muḥammad al-Dabbāgh, *Maʿālim al-īmān fī maʿrifat ahl al-Qayrawān*, edited by Muḥammad Māḍūr (Tunis, 1978), 3:79.

[27] See Muranyi, "Qairawāner Miszellaneen III," *al-Qanṭara* 10 (1989): 215ff. and Muranyi, *Die Rechtsbücher*, 40–41, 59, and 84.

errors, which to my knowledge have so far hardly received attention in manuscript studies, are of special importance where the *written transmission* of an extant fragment cannot be documented because of appropriate biographic information is either missing or simply incomplete.

On folio 8a, in the chapter, *man ḥalafa allā yukallima rajulan laylatan*, the copyist wrote originally, "*qāla innī la-akrahu-hu (inna mā) illā an yakūna inna mā ḥalafa fī dhālika.*" The first *inna mā*—in parentheses—was here correctly crossed out by the copyist because it should stand after the three words following it.

The copyist skipped over not only some words when copying the same line, but also over several lines. On folio 14b lines 32–33 a *masʾalah* begins as follows: *wa-suʾila ʿan imraʾatin ḥalafat bi-al-mashy ilā (bayti Allāh) ʿalā ukhtin la-hā allā tashhada la-hā*. The copyist again correctly crossed out the passage in parentheses. The incorrectly written word *bayt* was graphically revised in the line by him as al-Kaʿbah and Allāh erased. The *bayti Allāhi* in parentheses in this case belongs to the *masʾalah* five lines later: *wa-suʾila ʿan rajulin ḥalafa bi-al-mashy ilā bayti Allāhi.*[28] The copyist even had to put the rest of the passage on a new page of parchment.[29]

The phenomenon of skipping over words or of whole lines producing thereby a new copy is clearly documented here. It shows at the same time that the copyist must have noticed the errors immediately, since the correction occurs immediately in the line and not later—interlinearly or in the margin of the page.

On the basis of the data on the title page and final page, the initial transmission from the author to our manuscript is: Ibn al-Qāsim → Saḥnūn b. Saʿīd → ? → copy of al-Sudrī → *qirāʾah* by Muḥammad b. Masrūr al-Dabbāgh in the year 344/955 → preparation of the manuscript in Ṣafar 394/November 1003.

The donation note recorded in many Kairouan manuscripts developed in the next decades; the donor Muḥammad b. Abī Mūsā ʿĪsā b. Munās al-Lawātī, who documented the donation personally on the title page (according to comparisons of the script with the inventory of the mosque library), died around 430/1038–1039. In his

[28] Folio 14b line 38 to folio 15a line 1.
[29] These legal questions are not preserved in Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*.

ḥalqah, Andalusian pupils studied the writings ʿAbd al-Malik b. Ḥabīb between 405–407/1014–1016 in Kairouan.[30]

Nowhere in the manuscript is it documented, how the work in the *riwāyah* of Saḥnūn got to Muḥammad b. Masrūr, the contemporary of al-Sudrī, and from which source al-Sudrī's copy originally derived. In any case, the copy by al-Sudrī was read out in the *ḥalqah* of al-Dabbāgh. The gap in the transmission history, which results on the basis of the documented notes at the end of the manuscript between the generation of Saḥnūn's students and the teaching activity of al-Dabbāgh (or to be precise: al-Sudrī) can be closed, however, in the same milieu of Kairouan, although via detours, using the repeated verifiable *isnād*-branches for the transmission of the *Mudawwanah* and *Mukhtaliṭah* between Saḥnūn's students and the generation of al-Dabbāgh (or to be precise: al-Sudrī).

We know that al-Dabbāgh preserved *in written form* various *ajzāʾ* of legal themes in individual books from Saḥnūn's work from the most well-known student of Saḥnūn, Aḥmad b. (Dāwūd) b. Abī Sulaymān al-Ṣawwāf (206/821–291/903).[31] These transmission paths, which were recorded in the copies of the work or in the relevant *ajzāʾ*, were transmitted afterwards into those new copies that were at the disposal of the al-Qābisī, ʿAlī b. Muḥammad b. Khalaf (324/936–403/1012) of Kairouan.[32] The latter then transferred this old colophon note to his own copies and thereby with remarkable care furthered the transmission of the work for a generation:

> *wa-qāla fī ākhir kitābi al-Dabbāgh: samiʿtu-hu min Aḥmad b. Abī Sulaymān illā masʾalata al-īlāʾ lam asmaʿ-hā min Ibn Abī Sulaymān*;[33]

[30] Amongst them was the later *qāḍī* from Malaga, al-Muhallab b. Aḥmad b. Asīd b. Abī Ṣufrah al-al-Tamīmī. al-Qāḍī ʿIyāḍ, *Tartīb al-madārik* 8:35; Ibn Farḥūn, *al-Dībāj*, 2:346; Aḥmad b. Yaḥyā al-Ḍabbī, *Bughyat al-multamis fī taʾrīkh rijāl ahl al-Andalus* (Cairo: Dār al-Kātib al-ʿArabī, 1967), no. 1378; Muḥammad al-Ḥumaydī, *Jadhwat al-muqtabis fī dhikr wulāt al-Andalus* (Cairo: al-Dār al-miṣrīyah li-al-taʾlīf wa-al-tarjamah, 1966), no. 827; Ibn Bashkuwāl, *Kitāb al-ṣilah* (Cairo: al-Dār al-miṣrīyah li-al-taʾlīf wa-al-tarjamah, 1966), no. 1379; Muḥammad Makhlūf, *Shajarat al-nūr al-zakīyah fī ṭabaqāt al-mālikīyah*, (Beirut: Dār al-kitāb al-ʿarabī, 1974), no. 311. See my *Beiträge*, 215, 347. For Ibn Munās (also Manās) see al-Dabbāgh, *Maʿālim al-īmān*, 3:158. For the colophons of these fragmentary works, see Muranyi, *Beiträge*, 297–298, 345, and 353.

[31] For him, see Muranyi, *Beiträge* 117–119. He had the books of Saḥnūn in the form of *ijāzah*.

[32] For him and his teaching activities, see Muranyi, *Beiträge* 271–296.

[33] Compare with Muranyi, *Die Rechtsbücher*, 38.

and:

> *wa-qūbila hādhā al-kitāb thāniyatan bi-kitābi al-Dabbāgh ʿalā al-sharīṭati al-mutaqaddimati / qāla fī kitābi-hi: qūbila wa-ṣaḥḥa wa-samiʿtu-hu min Aḥmad b. Abī Sulaymān qirāʾatan (!) ʿalay-hi.*[34]

That al-Dabbāgh received these materials from his teacher in written form, he confirms in his own copies, once even on the title page of his own *kurrāsah* in the mosque library:

> *qaraʾtu-hu ʿalā Aḥmad b. Abī Sulaymān wa-qāla: katabtu-hu bi-yadī min kitāb Saḥnūn (!) wa-ṣaḥḥa*;

and:

> *ʿalā ẓahri kitāb al-Dabbāgh bi-khaṭṭi-hi: samiʿtu-hu min Aḥmad b. Abī Sulaymān qirāʾatan ʿalay-hi wa-kataba bi-khaṭṭi-hi: muqābalun muṣaḥḥaḥun.*

In the scholarly circles of Kairouan and in manuscripts from that period, several documented transmissions of works between Aḥmad b. Abī Sulaymān and al-Dabbāgh (as in the present case with transmission of the *Samāʿ*-work of Ibn al-Qāsim) clearly speak for this Kairouan *isnād*-branch: Saḥnūn → Aḥmad b. Abī Sulaimān → al-Dabbāgh.

In this connection a further marginal note in an old Kairouan copy of the *Mudawwanah*, which was still available to al-Qābisī acquires meaning. With reference to a copy from al-Dabbāgh, it means there:

وفي حاشية كتاب الدبّاغ: قال ابن القاسم في كُتُبه: تفسير ذلك عندي أن . . . etc.[35]

To all appearances al-Dabbāgh here takes up the writing of Ibn al-Qāsim directly and transfers from it the explanations of Ibn al-Qāsim into his *Mudawwanah* copy as a marginal comment. This Kairouan fragment of the *Mudawwanah* originates from the time of al-Dabbāgh: it contains two dated certificates from the years of 329/939 and 361/971—thus from a time when al-Dabbāgh had studied the *Samāʿ* of Ibn al-Qāsim in Kairouan.

Ziyād b. Yūnus al-Sudrī, whose *Mudawwanah* copies were likewise used by al-Qābisī for collation purposes, also appears among the historical transmission and intellectual milieu of *fuqahāʾ* in Kairouan

[34] Compare with Muranyi, *Die Rechtsbücher*, 40. For more on the colophon notes such as these, see Muranyi, "Qairawāner Miszellaneen III," 215ff.
[35] The passage refers to Saḥnūn, *al-Mudawwanah al-kubrā* (Cairo: Maṭbaʿat al-saʿādah, 1324 A.H.), 12:68, 1ff. See Muranyi, *Die Rechtsbücher*, 89–90.

and the students of Saḥnūn's the writings.[36] His copies contained—so far I can assess at present on the basis fragments from that time—no direct connections to the *riwāyah* of Aḥmad b. Abī Sulaymān—Saḥnūn, but likely to a lesser known student of Saḥnūn, Saʿīd b. Isḥāq al-Kalbī (217/827–295/908).[37] A small reference turns up in a Kairouan collation note: "*wa-fī kitāb Ẓiyād: samiʿtu-hu min Saʿīd b. Isḥāq.*"[38]

Thus the circle of those *fuqahāʾ*, who were able to transfer the *Samāʿ* work of Ibn al-Qāsim to Saḥnūn's *riwāyah* in Kairouan, are more or less identifiable; the transmission of the work to all appearances also took place here via Saḥnūn's student Aḥmad b. Abī Sulaymān in accordance with his own written *Vorlagen*, which can be shown to have been used in the copies of the subsequent generations. Our manuscript will now have to be counted among these early legal books also. Its development, although via detours, from the time of Saḥnūn up to its deposit in the main mosque of Kairouan is restorable—through the donation note.[39]

III

The *Samāʿ*-work of Ibn al-Qāsim was revised as early as the middle of the third century A.H. in the *Mustakhrajah min al-asmiʿah mimmā laisa fī al-Mudawwanah* (that is, *al-ʿUtbīyah*) of the Andalusian Muḥammad b. Aḥmad b. ʿAbd al-ʿAzīz al-ʿUtbī (d. 255/869). It was a work that enjoyed high standing—with some reservations[40]—in scholarly circles in both Kairouan and in Andalusia. In Kairouan this *masāʾil*-collection (as mentioned above) was taught in the arrangement (*tabwīb* and *tarsīm*) of Ibn Abī Zayd al-Qayrawānī.[41] As it appears in *al-Bayān wa-al-taḥṣīl* of Abū al-Walīd b. Rushd, the transmission also ran from Ibn al-Qāsim's *Samāʿ* via Saḥnūn in Andalusia. There Abū

[36] See Muranyi, *Beiträge*, 227–228. See above, n. 000.

[37] For him see Muranyi, *Beiträge*, 137–139. See al-Qāḍī ʿIyāḍ al-Yaḥṣubī, *al-Ghunyah: fihrist shuyūkh al-Qāḍī ʿIyāḍ, 476–544/1083–1149*, edited by Māhir Zuhayr Jarrār (Beirut: Dār al-Gharb al-Islāmī, 1982), 41 with connection to al-Dabbāgh.

[38] He already had several copies—and accordingly therefore several *riwāyāt*—combined in his own writings. Muranyi, *Die Rechtsbücher*, 40–41.

[39] The acquisition of manuscript through a certain J.L. Wilson, "Bought of J.L. Wilson, Esq. 9 July 1927" is not documented further in the British Library.

[40] See Muranyi, *Materialien*, 63.

[41] For a discussion of that, see Muranyi, *Materialien*, 50ff. Compare also Muranyi,

al-Walīd b. Rushd availed himself of the *riwāyah* of the noted Cordoban *faqīh* Muḥammad b. ʿUmar b. Lubābah (d. Shaʿbān 314/October 926)[42]—al-ʿUtbī—Saḥnūn—Ibn al-Qāsim. Between Ibn Lubābah and Abū al-Walīd, however, the remaining line of transmission of the work is lost until the time of the emergence of the commentary, because Abū al-Walīd b. Rushd did not leave usable information in his work about his transmission of the *ʿUtbīyah*.[43]

Beiträge, 193, 242–243 and 453. In Andalusia ʿAbd Allāh b. Muḥammad b. Abī al-Walīd (d.c. 309–310/921–922) editorially revised the *ʿUtbīyah*, originally compiled without *bāb*-headings, according to the arrangement of the *Mudawwanah* of Saḥnūn. Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, no. 663; see Muranyi, *Die Rechtsbücher*, 16–17.

[42] al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 5:153–156; Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, no. 1187; al-Khushanī, *Akhbār al-fuqahāʾ wa-al-muḥaddithīn*, edited by M.L. Avila and L. Molina (Madrid: al-Majlis al-aʿlā li-al-abhāth al-ʿilmīyah, maʿhad li-taʿawwun maʿa al-ʿalam al-ʿarabī, 1992), 144–147; Ibn Farḥūn, *al-Dībāj* 2:189–191; al-Dhahabī, *Siyar* 14:495. For his role as *faqīh mushāwar* under the *qāḍī al-jamāʿah* Aḥmad b. Muḥammad b. Ziyād, see Muranyi, "Qairawāner Miszellaneen V," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 148 (1998), 248 and *passim*. His *al-Muntahab* is preserved in the *Zāwiyat al-Nāṣirīyah* in Tamakrūt, whose authenticity is yet to be investigated. For the present, see the information from Muḥammad al-Manūnī, *Dalīl makhṭūṭāt al-nāṣirīyah bi-Tamakrūt* (Casablanca: al-Mamlakah al-maghribīyah, Wizārāt al-awqāf wa-al-shuʾūn al-islamīyah, 1985): 38.

[43] The idea, to write a commentary of only the difficult to understand *maṣāʾil*, was born at the beginning 506 A.H. in the circle of his students from Jaen and Silves. He finished the complete work in Rabīʿa II 517 A.H. See Abū al-Walīd, *al-Bayān wa-al-taḥṣīl* 1:26–27.

An Andalusian transmission of the *ʿUtbīyah* in the generation after Ibn Lubābah is recorded by Ibn al-Ṭallāʿ, Muhammad b. Faraj al-Qurṭubī (404–497/1013–1103) in his *Fihrist*. See M. Fierro "La *Fahrasa* de Ibn al-Talla" in *Estudios Onomástico-biográficos de al-Andalus II*, edited by María Luisa Avila (Granada: CSIC, Escuela de Estudios Arabes, 1989), 290 no. 17. Two transmissions of that work go back to Ibn Lubābah—al-ʿUtbī. The third *isnād*-branch leads to Kairouan, to the *riwāyah* also documented in manuscripts there: Ibn Abī Zayd al-Qayrawānī (d. 386/996; Muranyi, *Beiträge* 234ff.)—Abū Bakr b. al-Labbād (d. 333/944; Muranyi, *Beiträge* 189ff.)—Yaḥyā b. ʿAbd al-ʿAzīz, Ibn al-Kharrāz (d. 295/907; Muranyi, *Beiträge* 139–140)—al-ʿUtbī. See also Muranyi, *Materialien* 50ff. Ibn Ḥajar al-ʿAsqalānī likewise documents it under the title of *al-Mustakhraja* in the *riwāya* continued from Ibn al-Ṭallāʿ. Ibn Ḥajar, *al-Majmaʿ al-muʾassas li-al-mujam al-mufahras*, edited by Yūsuf ʿAbd al-Raḥmān al-Marʿashlī (Beirut: Dār al-maʿrifah, 1992), no. 1847. Under the title of *al-ʿUtbīyah*, Ibn Ḥajar records another line of transmission, that likewise goes through Ibn Lubāba and was known to Ibn ʿAbd al-Barr. Ibn Ḥajar, *al-Majmaʿ al-muʾassas*, no. 1841. See also Ibn Khayr, *Fihrist mā rawā-hu ʿan shuyūkhi-hi*, edited by F. Codera and J.R. Tarrago (Zaragossa: Comas, 1894): 241–243.

Why Ibn Ḥajar names al-ʿUtbī's work under two titles, as if it were two different *fiqh* books, cannot be ascertained in detail. Probably, the two examples of the work available to him were titled differently. One was entitled *al-Mustakhrajah* in the *riwāyah* of his teacher Abū al-Faḍl al-ʿIrāqī, ʿAbd al-Raḥīm b. al-Ḥusayn b. ʿAbd al-Raḥmān b. Ibrāhīm (until 806/1404); see Carl Brockelmann, *Geschichte der arabischen Litteratur*,

Biographical data confirm meanwhile that Ibn al-Qāsim's *Samāʿ* still circulated independently of the *ʿUtbīyah* in Andalusia in the fourth century A.H. The Cordoban Abū ʿĪsā, Yaḥyā b. ʿAbd Allāh al-Laythī (d. Rajab 367/February 978), a teacher of the local historian Ibn al-Faraḍī, taught the work in his *ḥalqah*, supported by the *riwāyah* of ʿUbayd Allāh b. Yaḥyā al-Layth (d. Ramaḍān 298/May 911).[44]

The London manuscript from the inventory of the former mosque library of Kairouan as work of the Ibn al-Qāsim al-ʿUtaqī in the *riwāyah* of Saḥnūn represents the *preliminary* literary stage of law to the writing of both the *ʿUtbīyah* and the *Mudawwanah* or the *Mukhtaliṭah* of Saḥnūn. The latter, as will still be shown, does not utilize the material preserved in the form available and in the depth and variety of content documented here in the *Samāʿ* work. This is even more the case in the *ʿUtbīyah*, in which we encounter a considerable number of *responsa* that are clear parallel passages (see above, pp. 336–337) from the same source—the *Samāʿ* of Ibn al-Qāsim. But even there not all the *masāʾil* that Ibn al-Qāsim treats in this collection can be documented. The manuscript is thus in every regard a unique specimen and valuable documentation of legal questions from late second/eighth century, whose legal historical significance in the development of the Medinan Egyptian—not exclusively oriented at Mālik b. Anas—jurisprudence around the turn of the second century may not be disputed.

With the exception of the following *masāʾil*, all legal questions go back to the direct *riwāyah* of Saḥnūn—Ibn al-Qāsim (—Mālik b. Anas). In five references in the manuscript Ibn al-Qāsim quotes the teachings of Mālik through the *riwāyah* of his North African contemporary: the *qāḍī* ʿAbd Allāh b. ʿUmar b. Ghānim (d.c. 190/805–806)

2nd ed. (Leiden: E.J. Brill, 1943–9), 2:77; Brockelmann, *Geschichte der arabischen Litteratur: Supplement* (Leiden: E.J. Brill, 1937–42) 2:69–70; Ibn Ḥajar, *al-Majmaʿ al-muʾassas*, 2:176ff. This is the *riwāyah* through which he also received the *Mudawwanah.* The second was entitled *al-ʿUtbīyah* in the *riwāyah* of his teacher Abū ʿAlī al-Fāḍilī, Muḥammad b. Aḥmad b. Abī al-Ḥasan b. ʿAlī b. ʿAbd al-ʿAzīz al-Mahdawī (until 797 A.H.); Ibn Ḥajar, *al-Majmaʿ al-muʾassas*, 2:488–492.

[44] al-Qāḍī ʿIyāḍ, *Tartīb al-madārik* 6:108; Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, no. 1595: "*wa-kāna mā rawā-hu ʿan ʿUbayd Allāh al-Muwaṭṭaʾ wa-samāʿ Ibn al-Qāsim wa-ḥadīth al-Layth b. Saʿd* . . .". For ʿUbayd Allāh b. Yaḥyā, see Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, no. 762; al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 4:421–423; al-Dhahabī, *Siyar*, 13:531–533; Khushanī, *Akhbar al-fuqahāʾ*, 229–232; al-Ḥumaydī, *Jadhwah*, no. 581; al-Ḍabbī, *Bughyah*, no. 973.

of Kairouan, to which the biographies likewise attribute a *Samāʿ* according to Mālik b. Anas: *wa-la-hu samāʿun min Mālikin mudawwanun*.[45] At present nothing is known in detail about this collection of legal questions. Undoubtedly this collection—even though indirectly *via* Ashhab b. ʿAbd al-ʿAzīz—are related to some more splinters of transmission both in the *ʿUtbīyah*[46] and in the *Kitāb al-nawādir wa-al-ziyādāt* of Ibn Abī Zayd al-Qayrawānī.[47]

Ibn al-Qāsim took up the following legal questions addressed at Mālik b. Anas, introduced by *wa-akhbaranā Ibn Ghānim* or *qāla Ibn Ghānim*, in the appropriate places in his collection parallel to his own *responsa* and without further comments.

Folio 2a:

وأخبرنا ابن غانم أنّ مالكا سُئل عن رجلٍ أراد سفراً فقال: إنْ أصابني في سفري هذا شيءٌ ففُلانٌ وفُلانٌ حرّان، لغلاميْن له؛ فدخل عليه في سفره ذلك شيءٌ وجب عليه فيه[48] كفّارة عتْق رَقَبَةٍ، أيصلح له أنْ يُعْتق بعضَ مَنْ كان أوْصى له، قال: نعم.

وسُئل عن الأعْرج هل يجوز أنْ يُعْتق في الرّقاب، قال: لا يعجبني وتلا قوْل الله{ لَيْسَ عَلَى الأعْمَى حَرَجٌ وَلاَ عَلَى الأعْرَجِ حَرَجٌ }[49]، وقد كان قال قبْل ذلك: لا بأس به ، وأنا أراه إذا كان خفيف العَرَج لا بأس .

In the passage above, I quote together two sequential legal questions according to Mālik in order to demonstrate that only the first *masʾalah* is clearly assigned to Ibn Ghānim—Mālik, while the second after the conclusion *qāla naʿam*—beginning with the usual *wa-suʾila*—is regarded again as a question of Ibn al-Qāsim to Mālik. Because here the old transmission line of Ibn al-Qāsim—Mālik *in silentio* is continued, obviously without further need of explanation. This second *masʾalah* already has a parallel in the *ʿUtbīyah*[50] and was taken there—as equivalent to—the *Samāʿ* of Ibn al-Qāsim. The following passages are to be understood in this sense also.

The verse from the Qurʾān in the second *masʾalah* above serves as Mālik's basis for argumentation, whereby he gives up his earlier

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[45] See Muranyi, *Beiträge*, 12–15.

[46] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 4:348 and 9:191. In the commentary, Abū al-Walīd b. Rushd refers to Ashhab b. ʿAbd al-ʿAzīz's *Kitab al-aqḍiyah* (probably a chapter in the latter's *samāʿ*). Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 5:341, 9:198 and 370.

[47] See Muranyi, *Materialien*, 61–62.

[48] Manuscript: عليه به. Corrected in the line by the copyist.

[49] Sūrah 24:61 and 48:17.

[50] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 12:441.

point of view (*lā baʾsa bi-hi*) still known by Ibn al-Qāsim. Subsequently, Ibn al-Qāsim's supplemental comment follows, in which he modifies Mālik's position in some respects. Thus, this short *masʾalah* represents altogether three small steps in the development of only a single legal question, a phenomenon which we encounter in several places in the manuscript. The legal relevance of the interpretation of the Qurʾānic verses quoted above (24:61 and 48:17) is even a novelty in this connection; the exegetes discuss the passage merely in connection with whether the absence of the handicapped from *jihād* is permitted and justified.

Two further legal questions according to Ibn Ghānim belong together thematically and are transmitted in the manuscript in this arrangement:

Folio 11a:

قال ابن غانم: سُئل مالك عن رجلٍ قال لرجلٍ : إنْ لم أقْضكَ حقَّك إلى شهرٍ فامرأتُهُ طالق، هل تعزل عنه ، قال: لا؛ فقيل له: فقال: إنْ لم أقْضكَ إلى شهرٍ فخادمُهُ حرّة، هل يطأها فيما بينه وبين مجيء الشّهر، فقال: لا يطأها حتّى يأتي الشّهر الّذي حَلَفَ عليه . قلت له: وله أنْ يبيعها قبْل أنْ يجيء الوقْتُ الّذي حَلَفَ عليه، فقال: لا.

قال ابن غانم: وسُئل عن رجلٍ قال لامْرَأته: إنْ لم أتزوّج عليك إلى سنةٍ فأنْت طالق، فهل تعزل عنه امرأته إلى ذلك الوقْت، قال: لا، ذكر وقتًا بعلْم أنّه يحنث عند مجيئه أو يبرّ ولا تعزل عنه امْرَأته إلى ذلك الوقْت . فإنْ حنث فرق بينهما ، وإنْ برّ لم يكن عليه شيءٌ، قلْتُ : فإنْ لم يذكر وقْتًا وحَلَفَ لينكحنّ عليها ، قال:يَعْتزل حينئذ امْرَأتَهُ، فإنْ تزوّج فيما بينه وبين أربعة أشهر وإلاّ فُرّق بيْنه وبيْنها .

In the margin even with the line where the second *masʾalah* begins—characterized here as new paragraph—stands an uncommon note:

قرأ هذا محمّد وقال: قال سحنون: لا أعرفها .

Similar notes, which are relatively rare, are also found in other manuscripts, which come from Saḥnūn's *riwāyah*.[51] The *masʾalah* in this form is preserved neither in *ʿUtbīyah* nor in Saḥnūn's *Mudawwanah*.

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[51] On folio 15b of the completely preserved *Kitāb al-qaḍāʾ fī al-buyūʿ* from the *Muwaṭṭaʾ* of ʿAbd Allāh b. Wahb in the mosque library of Kairouan, it is reported at the end of a *masʾala* in the commentary in the margin: *qāla ʿĪsā: Saḥnūn lā yaʿrifuhu*. The note was taken from the copy of ʿĪsā b. Miskīn (214/829–295/907; see Muranyi, *Beiträge*, 128ff.), which was used for the purposes of collation in the production of the manuscript.

Folio 12b:

وقال ابن غانم: وسئل عن رجل أتى رجلا يسأله أنْ يبيع منه بزّاً فقال: أنت تمطلني، فحلف بالطّلاق البتّة ليقضيه حقّه فى شهر رمضان؛ فلمّا كان شهر رمضان أتاه يتقاضاه فوجده يبيع حنطة له خمسة اصع بدينار، فقال: أعْطني بعشرة دنانير حنطة فانّي أحتاج إليها، وفعل وأعطاه بقيةَ حقّه، قالَ: ما يعجبني إلاّ أنْ يعطيَهُ حقّه على هَيْئة ما حَلفَ عليه

Ibn Ghānim's legal question to Mālik fits in regard to content with the other *masāʾil* of the chapter *al-rajulu yaḥlifu bi-al-ṭalāq la-yaqḍiyanna rajulan ḥaqqa-hu ilā ajalin*, for which only a passage comparable in content, but no parallel example, could be found in the commentary on the *ʿUtbīyah*.[52]

The last legal question of Ibn Ghānim—Mālik is on folio 15b:

قال ابن غانم: وسُئل مالك عن رجلٍ حَلَفَ بطلاق امْرَأته ألاّ يأكل تمراً فباعه، فاشترى بثمنه دقيقًا فأكَلَهُ؛ قال: ما أرَاهُ إلاّ وقد حنث، قُلْتُ له: إنّه إنّما نَوَى التّمر بعيْنه، قال: وأيْنَ قَوْلُ النّبيّ ﷺ: لَعَنَ اللهُ اليَهُودَ، قد حُرّمت عليهم الشّحومُ فباعوها وأكَلُوا أثْمانَها.[53]

The Prophet's statement is also recorded in the *Muwaṭṭaʾ* recensions. It is only updated here—in the *riwāyah* of the Ibn Ghānim—in a completely different legal connection and used as an analogy in support of the above *masʾalah*.

Newly discovered fragments from the *Mustakhrajah* of al-ʿUtbī in the Kairouan mosque library show that the *Samāʿ*-work of ʿAbd Allāh

[52] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:27.

[53] Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Yaḥyā b. Yaḥyā], edited by Muḥammad Fuʿād ʿAbd al-Bāqī (Cairo: Dār iḥyāʾ al-kutub al-ʿarabīyah, 1955), 2:931; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Abū Muṣʿab], edited by Bashshār ʿAwād Maʿrūf and Maḥmūd Muḥammad Khalīl (Beirut: Muʾassasat al-risālah, 1993), no. 1955 (*mursal*); Ibn ʿAbd al-Barr, *al-Istidhkār li-madhāhib fuqahāʾ al-amṣār*, edited by ʿAbd al-Muʿṭī Amīn Qalʿajī (Cairo: Dār al-waʿy, 1993), 26:318. Ibn ʿAbd al-Barr, *al-Tamhīd li-mā fī al-Muwaṭṭaʾ min al-maʿānī wa-al-asānīd* (Rabat: al-Maṭbaʿa al-malakīyah, 1967), 17:401; Ibn Ḥibbān, *Saḥīḥ Ibn Ḥibbān bi-tartīb Ibn Baljān*, edited by Shuʿayb al-Arnaʾūt (Beirut: Muʾassasat al-risālah, 1997), 14: no. 6253; ʿAbd Allāh al-Ḥumaydī, *al-Musnad*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: ʿĀlam al-kutub, 1382 A.H.), 1: no. 13. ʿAbd al-Razzāq, *al-Muṣannaf*, edited by Ḥabīb al-Raḥmān al-Aʿẓamī (Beirut: al-Maktab al-islāmī, 1970), 8: no. 14853–4; al-Ṭabarānī, *al-Muʿjam al-awsaṭ*, edited by Ayman Ṣāliḥ Shaʿbān and Sayyid Aḥmad Ismāʿīl (Cairo: Dār al-ḥadīth, 1996), 1: no 779 and 8:no.7993; Ibn Qāniʿ, *Muʿjam al-ṣaḥābah*, edited by Khalīl Ibrāhīm Qūtalāy and Ḥamdī al-Damardāsh Muḥammad (Riyadh: Maktabat Nizār Muṣṭafā al-Bāz, 1998), 3: no 188; and A.J. Wensinck, *Concordance et indices de la tradition musulmane*, 2nd ed. (Leiden: E.J. Brill, 1992), 6:123.

b. ʿUmar b. Ghānim was transmitted in scholarly circles of the city in the *riwāyah* of ʿAwn b. Yūsuf al-Khuzāʿī (147/764–239/853);[54] al-ʿUtbī borrowed from this *masāʾil*-collection directly: "*min samāʿ ʿAbd Allāh b. Ghānim min Mālikin riwāyah ʿAwn b. Yūsuf qāla. . . .*"[55] In a chronologically later stage of transmission, by Ibn Abī Zayd al-Qayrawānī, the *ʿUtbīyah*'s directly borrowed *riwāyah* of the *samāʿ* from Ibn Ghānim is documented.[56] Out of the seven cited passages from the *Samāʿ ʿAbd Allāh b. ʿUmar b. Ghānim ʿan Mālik*, Ibn Ghānim reports once the legal statement of the Medinan ʿAbd al-Malik b. ʿAbd al-ʿAzīz b. al-Mājishūn (d. 212/827). The latter's opinions are preserved as the relevant Medinan doctrine in accordance with Mālik in the generation following Mālik particularly in the *Wāḍiḥah* by the Andalusian ʿAbd al-Malik b. Ḥabīb.

Even such an isolated fragment directly suggests that the *Samāʿ* of Ibn Ghānim, like that of Ibn al-Qāsim, also contains the theories of other authorities of Medinan *fiqh*; however, to what extent this happened in the teaching process cannot even be determined approximately, given the present situation of the sources. Basically, we must start from the assumption that even amongst the works with the title *Samāʿ of so-and-so ʿan Mālik b. Anas* the legal doctrines personally attributed to Mālik were not collected exclusively, but a variety of Medinan

[54] Muranyi, *Beiträge*, 30–32.

[55] Interestingly enough, these passages from the *Samāʿ* of Ibn Ghānim are not be found with Abū al-Walīd b. Rushd. This can be interpreted to the effect that the *riwāyah* of the *Mustakhrajah* via Ibn Lubābah either did not originally contain these passages or Abū al-Walīd ignored them in his commentary. The following *masʾalah*, taken from the *Samāʿ* of Ibn Ghānim, is not preserved in the *al-Bayān wa-al-taḥṣīl*:

من سماع عبد الله بن غانم من مالك رواية عون بن يوسف قال: سألتُهُ عن الرّجل يُوصي أنْ يصلّي
عليه رجلٌ ووليه حاضرٌ ، قال: يصلّي عليه الموصى إليه ، وما زال النّاسُ يتعمّدون لجنائزهم أهْلَ
الصّلاح من أصحاب النّبيّ والتّابعين يرجون بَرَكَةَ ذلك . وقد بلغني أنّ الناس كانوا يتبعون أبا هريرة وابنَ
عمر يسألونهما الصّلاةَ على جنائزهم

In the *Kitāb al-janāʾiz* of the *al-Bayān wa-al-taḥṣīl* only two legal questions are found, which are comparable to the *masʾalah* above; one describes the opinion of Saḥnūn (Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 2:285), and the other is a legal information from Ibn Wahb.

[56] See the fragment from the *Kitāb al-nawādir wa-al-ziyādāt* in Muranyi, *Materialien*, 61–62. At that time (1984), the *Mustakhrajah*-fragment used here was not at my disposal.

legal opinions were collected. The passages from Ibn Ghānim, who transferred Ibn al-Qāsim to his own *samāʿ* work, also point in this direction. Thus this old legal work contains in certain respects essential materials with citations from contemporary writings that are now lost.

IV

When reading the manuscript it stands out that the copyist set some sections in parentheses and provided these at the outer edge of the page with his short comment. These passages have different lengths and always contain teachings of Ibn al-Qāsim, which deviate slightly from the legal statement of Mālik quoted there. The relevant marginal notes read everywhere nearly identically:

قَرَأَهُ محمّد وقال:عرضه سحنون في العرضة الأولى وطرحه أسقطه Var في الأخرة .

The Muḥammad specified here must have been a pupil of Saḥnūn who attended his *ḥalqah*. Nevertheless, the entry can in no way be contemporary, since the manuscript was produced in 394/1003 using the copy by al-Sudrī according to colophon note. Rather, we must assume someone, who was in Saḥnūn's circle of students, transferred these marginal notes from an older source into our manuscript. As the analysis of several copies of the *Mudawwanah*, whose emergence is set between late third/ninth and fifth/eleventh centuries, now shows, such a procedure was quite usual in teaching practices at that time and led not rarely to further pertinent comments in the form of marginal notes. Such notes are found both in old Kairouan copies of the *Mudawwanah* of Saḥnūn from the late third/ninth century and in Andalusian copies of the work from late fifth/eleventh century in the Qarawīyīn library of Fez.

The student of Saḥnūn who is mentioned here only by his *ism* can be identified on the basis of comparable marginal notes in Ms. *Qarawīyīn 799*—a collection of various *ajzāʾ* of the *Mudawwanah* on parchment—in which he appears again in this sense:

قال ابن وضّاح: لم يقرأ سحنون كلام ابن القاسم في العرْضة الأولى وقَرَأَهُ لنا في الثّانية .

I offered further examples with the identification of this copy of the *Mudawwanah* in the Qarawīyīn library in my investigations of the

emergence and transmission of Saḥnūn's writings.[57] These marginal notes of the Andalusian Muḥammad b. Waḍḍāḥ al-Qurṭubī (d. 287/900)[58] were read along with the lectures by the subsequent generations and transferred by them as a permanent part of the material taught from the *Mudawwanah* into their newly prepared copies. Naturally, these comments also recorded the notes of Saḥnūn, which were originally recorded in the *kitāb*, i.e., in the copy of *Mudawwanah* of Ibn Waḍḍāḥ. This evolution of marginal notes from the time of Ibn Waḍḍāḥ and their transfer into the new copies is also documented by two fine manuscripts in Kairouan (besides others), which contain a certificate of audition (*samāʿ*) from the year of 413/1022–1023 registered in the main mosque of Toledo.[59]

The above marginal notes in our manuscript are to be attributed undoubtedly to this transmission of the *Samāʿ* in the circle of Saḥnūn; there the Muḥammad mentioned always with his *ism* will also be in this case the Andalusian Ibn Waḍḍāḥ. The reasons for "ignoring" the passages under consideration during the second reading by Saḥnūn are unclear, however. It is noteworthy that they consistently and continuously concern only the supplementary comments of Ibn al-Qāsim, partly with his reference to Mālik's earlier opinion, which Saḥnūn obviously was not able endorse. For some examples of this from the manuscript:

Folio 7b:

سُئل عن رجلٍ كانت بينه وبين رجلٍ خصومةٌ، فحَلَفَ بطلاق امْرَأته ألاّ يفارقه حتّى يَذْهَبَ به إلى السّلطان أو إلى صالحٍ، فلقي خلِّيفَةَ صالحٍ فقال له: أَرْسِلْهُ؛ فقال: حاطِبٌ ليس بصالحٍ، ولو شاء لجَلَسَ معه حتّى يُصْبحَ يَلْقَى صالحًا ؛ وكأنّه رآه حانثًا وشدّد عليه في ذلك . [قال ابن القاسم: وهو عندي حانثٌ] .

It says this in the margin:

قرأه محمّد وقال: عرضه سحنون في الأولى وأسقطه في الأخرة.

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[57] Muranyi, *Die Rechtsbücher*, 93–95 and 115.

[58] For him, see the detailed introduction in, Muḥammad b. Waḍḍāḥ, *Kitāb al-bidaʿ*, edited by M. Fierro (Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Filología, Departamento de Estudios Arabes, 1988).

[59] Read aloud in the circle of the active scholar Abū Bakr, Khalaf b. Aḥmad b. Khalaf al-Raḥawī (d.c. 420/1029). al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 8:49; Ibn Bashkuwāl, *Kitāb al-ṣilah*, 1: no. 378; al-Ḍabbī, *Bughyah*, no. 698. See Muranyi, *Beiträge*, 45–46.

The *mas᾿alah* is also reported by al-ʿUtbī in the *Mustakhrajah*[60]—with slight deviations in the wording—however, *without* this additional remark by Ibn al-Qāsim (i.e., *wa-huwa ʿindī ḥānithun*), which Saḥnūn, according to the marginal note, had already omitted in the second reading (*asqaṭa-hu*). This suggests that our manuscript is to be attributed to a *Vorlage* which either did not yet contain, or at least did not always contain these editorial interventions of Saḥnūn, as opposed to the copy used by al-ʿUtbī—in the *riwāyah* of Ibn Lubābah → al-ʿUtbī → Saḥnūn with Abū al-Walīd b. Rushd. In other words, based upon this examination, the London manuscript supplies the original text—however with Saḥnūn's relevant corrections to the lectures as marginal notes, whereas al-ʿUtbī already had at his disposal a more or less revised variant text, without these additional remarks of Ibn al-Qāsim.

In the following *mas᾿alah* the different judgments about a legal case by Mālik again become clear, to which Ibn al-Qāsim attaches both his own remark and his criticism of Mālik's earlier view.

Folio 8a:

وقال في مَنْ حَلَفَ على رجلٍ منَ النّاس ألاّ يأكل منْ طعامٍ هو بيَد الحالف فباعه فاشتراه
المَحْلُوفُ عليه فأكَلَ منه، إنّه لا حنْثَ عليه في ذلك لأنّه حَلَفَ عليه وهو في ملكه، فإنّما
يَقَعُ الحنْثُ عليه لو أكَلَ منه وهو عنده، فإذا باعه فلا يضرّه . [قال عبد الرّحمان بن القاسم:
سمعْتُ منه فيما يشبهه إنْ لم يكن نَوَى ما كان في يده فهو حانثٌ؛ وهذا القوْلُ أحَبُّ إليَّ
والأوّلُ غيْر مُعْتَدلٌ] .

It says in the margin:

قَرَأَهُ محمّد وقال: أسقطه سحنون في العرْضة الأخرة .

The passage has no parallel in the *al-Bayān wa-al-taḥṣīl* this time; thus is it not currently checkable, whether Ibn al-Qāsim's supplement above, in which he reports an earlier viewpoint of Mālik, in the line of transmission Ibn Lubābah—al-ʿUtbī—Saḥnūn was already omitted.

A comparable example is also on folio 12a:

ما ذكرْتَ منَ امْرَأة رجلٍ الّذي قالت له امْرَأتُهُ:يا ابن الخبيثة، ثمّ جَحَدَتْ أنْ تكون قالت
ذلك وقالت: إنّما قلْتُ: يا ابن الخبيث، قال لها: أنْت طالق البتّة إنْ لم تكوني قُلْت لي يا ابن
الخبيثة، ثمّ سكت قليلا فقال على اثْر يَمينه: لقد قُلْتها ثلاث مرّات؛ ثمّ شكّ أنْ تكون قالت

60 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:24.

ثلاث مرّات، وجَحَدَتْ أنْ تكون قالته؛ وشَهِدَت امْرأةٌ أنّها قد قالت له مراراً وهو يستيقن بها قد قالت له إلاّ ما قال لها على اثْر يَمينه: لقد قُلْته ثلاث مرّات، ثمّ شكّ في ثلاثٍ؛ إنّي أرَى إنْ كان يعلم أنّها قد قالت له ثلاث مرّات فهو على برّ، وإنْ كان لا يَعْلَمُ أنّها قالت ذلك ثلاث مرّات فقد حَنَثَ؛ إنّ هذا الأمْر لو نزل فيه وسأل عن أمْره فإنّه قولٌ عظيمٌ.

[قال ابن القاسم: وقد كان قال لي قبْل ذلك: إنْ كان على اثْر يمينه فأرَى ذلك يلزمه، وإنْ كان بين ذلك صماتٌ فإنّما هو كلامٌ تكلّم به ليس في يمينه، فلا أرَى عليه شيْئًا إذا لم يردّه في يمينه].

Again it says in the margin:

قَرَأَهُ محمّد وقال: أسقطه سحنون في العرْضة الأخرة .

This *mas'alah* also does not have a parallel passage with Abū al-Walīd b. Rushd. Only one legal question comparable in content together with its discussion is dealt with there,[61] that again corresponds word-for-word with a further example in our manuscript on folio 9a and thus does not need to be repeated here. It is also possible that the *ʿUtbīyah* did not any longer contain the above *mas'alah* because of the affinity in content of both legal cases.

The *mas'alah* on folio 3b, "*wa-su'ila Mālik ʿan al-imra'ti al-mūlā ʿalay-hā . . .*" etc. is recorded in its full length in the *al-Bayān wa-al-taḥṣīl* also.[62] However, in our manuscript the entire passage is located in parentheses—provided with the usual marginal note of Ibn Waḍḍāḥ—and ends with the Mālik's legal statement:

قال : نعم ، وأرَى عليها صَدَقَةَ ثلث مَالهَا .

Why Saḥnūn no longer allowed the entire legal question to be presented (here: *ṭaraḥa-hu*) in the second reading, this time derives from the parallel passage in the *al-Bayān wa-al-taḥṣīl*;[63] there the passage ends with a critical note from Saḥnūn as follows:

قال سحنون: هذا خطأ ، وما ينفعها الولاية إذا كانت تنفق مالها؛ فليس هو كما قال .

Here Saḥnūn's criticism is not directed against Ibn al-Qāsim's supplement to one of the legal questions answered by Mālik, but against the opinion of Mālik himself. Saḥnūn ignored this in his second presentation from the *Samāʿ*, but obviously passed it on in the complete

[61] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:41–42.
[62] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 3:133–134.
[63] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 3:133–134.

riwāyah of the work with his own pertinent criticism of the contents of the *masʾalah*. This is documented accordingly then in the line of transmission of Saḥnūn → al-ʿUtbī → Ibn Lubābah.

A further *masʾalah* in the manuscript, folios 8b–9a "*wa-suʾila Mālik ʿan rajulin kāna la-hu sawṭun* . . .", can be verified as a parallel passage in the *ʿUtbīyah* commentary.[64] Located in the manuscript is only the passage, "*wa-ka-anna wajha qawli-hi an yakūna dhālika la-hu* . . ." to "*ghayyabū-hu*",[65] which syntactically and in terms of content is to be considered as Ibn al-Qāsim's addition, with the marginal note طَرَحَهُ سحنون في العرْضة الأخرة by Ibn Waḍḍāḥ in parentheses. This is because the detailed discussion of the legal question begins here through Ibn al-Qāsim, who was disregarded by Saḥnūn in the second reading.

In this passage in the *ʿUtbīyah* itself the description of a comparable case by Ibn al-Qāsim appears with the recognizable purpose to more precisely justify his explanation which deviated from Mālik's thesis: "*qāla Ibn al-Qāsim wa-mithlu dhālika ka-mithli al-rajuli yaqūlu li-jāriyatin anti ḥurratun in lam abiʿ-ki* . . .".[66] The reason for ignoring Ibn al-Qāsim's supplement in the *ḥalqah* of Saḥnūn—according to the marginal note—becomes clear this time at the beginning of the comment of Abū al-Walīd b. Rushd: "*hādhihi masʾalatun khālafa Ibn al-Qāsim fī-hā Mālikan wa-dhahaba ilā anna tafsīra qawli-hi ʿalā madhhabi-hi* . . ." etc.

Abū al-Walīd b. Rushd in his comment emphasizes the conflicting legal views between Mālik and Ibn al-Qāsim in the *masʾalah*, yet it remains above all unclear in terms of the textual history in this case, why in our manuscript the entire argument of Ibn al-Qāsim is not preserved, as it was the case in the commentary on the *ʿUtbīyah*. In the manuscript the section ends with the verb *ghayyabū-hu*. It is directly followed by the *masʾalah*, which corresponds to the section in the *al-Bayān wa-al-taḥṣīl*: "'*an rajulin ḥalafa bi-ṭalāqi imraʾati-hi wa-ghāḍabat-hu* . . .".[67]

Therefore, it is advisable to read along with the London manuscript the appropriate parallel passages of Abū al-Walīd—so far as verifiable there—and to consider these important variants in terms of textual and legal history in a critical edition of the manuscript.

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[64] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:28–29.
[65] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:29, lines 4–6.
[66] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:29, 6ff.
[67] Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 6:57–58.

The longest section, which is located in parentheses in the manuscript, covers 29 lines, thus nearly a whole side at the end of the chapter نذر الطاعة والمعصية (folio 5a). The passage corresponds to the at the beginning of the *Kitāb al-nudhūr* II of the *Mudawwanah* of Saḥnūn[68] and begins with the words:

قال ابن القاسم : مَنْ نَذَرَ أنْ يُطيع الله في صيامٍ أو صلاةٍ أو حجٍّ أو عتْقٍ أو ما أشبه ذلك منْ كلّ عملٍ يتقرّب به إلى الله ، فقال : عليَّ نذر أنْ أحجّ أو أصوم أو أُصلّي أو أُعْتق أو أتصدّق لشيءٍ يُسَمِّيه فإنّ ذلك عليه لا يُخْرجه[69] إلاّ الوفاء به . . . etc.

This relatively long discussion of Ibn al-Qāsim in his *Samāʿ* is nearly literally identical to the section at the beginning of the *Kitāb al-nudhūr* II in the *Mudawwanah* of Saḥnūn. Why the passage is nevertheless located in parentheses is explained as follows, this time in the marginal note:

قال : لم يَقْرَأْهُ سحنون في العرْضة الأخرة ، وهذا في كتاب النّذور من المدوّنة .

Thus Saḥnūn adopted the entire section from the *Samāʿ* directly into his *al-Mudawwanah* as a kind preface for the second part of the *Kitāb al-nudhūr* and obviously in the second reading he no longer presented it or no longer allowed it to be presented for this reason. This passage ends in both works[70] with the words: *fa-yakūnu mā taraka min dhālika ḥaqqan li-Allāh taraka-hu*. Subsequently, this note in the *Mudawwanah* followed by "*wa-hādhā qawlu Mālik*,"[71] which is missing—remarkably enough—in the *Samāʿ*. But Ibn al-Qāsim continues his discussion in the manuscript as follows:

ومنْ ذلك أنْ يقول : عليَّ نذر أنْ أمشى إلى المشْرق أو إلى بيْت فلان أو ما أشبه ذلك منَ الأعْمال التى ليست لله بطاعةٍ فعْله أياها ، وليس الأمْر يوجب عليه فى ذلك شيْئًا ، والله أعلم .

With these words the chapter in the manuscript ends. The section's entire length clearly originates from Ibn al-Qāsim, who does not even quote his teacher Mālik in the form of suggestion. He terminates his remarks with one *Allāhu aʿlamu*, which is also usual after such long excursions at the end of a chapter. The recourse to Mālik—*wa-hādhā*

[68] Saḥnūn, *al-Mudawwanah* 3:111–112,17)
[69] Saḥnūn, *al-Mudawwanah* 3:111: ولا يجزئه .
[70] Saḥnūn, *al-Mudawwanah* 3:112, line 17.
[71] Saḥnūn, *al-Mudawwanah* 3:112, line 17.

qawlu Mālik—with Saḥnūn seems to be secondary; it is not even definite that the text of the *Mudawwanah* at the above passage originally ended with these words. In several copies of the work in both the Kairouan mosque library and in the Qarawīyīn library in Fez such additions not rarely appear only as marginal notes, which we then encounter in the text itself in later copies.[72]

V

The text of the *Mustakhrajah* of the Andalusian al-ʿUtbī, as far as this is verifiable at present in the appropriate *masāʾil* in the *al-Bayān wa-al-taḥṣīl*, coincides almost continuously with the available *Samāʿ* of Ibn al-Qāsim. This is actually not surprising, because the direct primary source of al-ʿUtbī is, among others, this collection of Ibn al-Qāsim in the *riwāyah* of Saḥnūn.

Contrary to expectation, the comparison of chapters with related content of the *Mudawwanah* of Saḥnūn with the *Samāʿ* work of Ibn al-Qāsim does not confirm textual homogeneity between these two works. This means that comparable questions of Ibn al-Qāsim from Mālik in the *Samāʿ* work in question on the one hand and in the next phase of transmission between Saḥnūn and Ibn al-Qāsim (after Mālik) in the *Mudawwanah* on the other hand (thus in the same circle), were obviously formulated and answered differently. A substantial number of *masāʾil* are not presented in the *Mudawwanah.* In other words, a textual relationship between Ibn al-Qāsim's *Samāʿ* and Saḥnūn's *Mudawwanah* does not exist. Only a few common features in content allow us to assume that comparable *masāʾil* were discussed between Ibn al-Qāsim and Saḥnūn.

Nevertheless, the collation of witnesses from old texts with evidence in the subsequent literature brings us closer to the understanding the sources and the discussions of the legal questions behind

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[72] Similar notes are found in the printed version of the *Mudawwana* at the end of the passages attributed to Ibn Wahb, that Saḥnūn took from his *al-Muwaṭṭaʾ* and *Jāmiʿ*: *al-āthār* [variant: *wa-hādhīhi al-āthār*] *li-Ibn Wahb*; or also shortened to *li-Ibn Wahb*. In several manuscripts of the *Mudawwanah*, already used in part in the lectures from al-Qābisī, these notes are found as marginal notes. The difference with the above passage in the *Samāʿ* is that these passages in the *Mudawwanah* can be demonstrated to go back to Ibn Wahb.

them in their historical development—assuming that material related in content is present. According to my observation, in the entire manuscript there is only one legal question to be found whose textual discussion can be historically reconstructed from Mālik b. Anas continuously to the period of the development of the *Samāʿ* of Ibn al-Qāsim and—in the same milieu between Ibn al-Qāsim and Saḥnūn—in the *Mudawwanah.*

At the beginning of the sub-chapter "*nadhr naḥri al-walad wa-ghayri-hi*" (folios 6b–7a) it is reported:

وسُئل عن تفسير حديث ابن عبّاس في الّتي نَذَرَتْ أنْ تَنْحر وَلَدَها، قال: تُكفّر كفّارةَ يَمينٍ، قال: إنّ ذلك يعجبني . قال: وأرَى أنْ تُكفّر كفّارةَ يَمينٍ . قال: وبلغني عنه ممّن أثقُ به أنّه قال: إنْ كانت أرادت به وَجْهَ هَدْي[73] فأرَى أنْ تهدي عنه، وإنْ لم تكن بها نيّةٌ فلا أرَى فيه كفّارةً ولا غَيْرَهُ؛ وهو أحَبُّ إليَّ ممّا سمعْتُ . وإذا سَمَّتْ مكّةَ ومَقَامَ إبراهيم فأرَى أنْ تهْدي عنه .

The question about the *ḥadīth Ibn ʿAbbās*, which is recorded in the *Muwaṭṭaʾ* with the *isnād* Yaḥyā b. Saʿīd—Muḥammad b. al-Qāsim,[74] stands next to Ibn al-Qāsim's *riwāyah* to Mālik himself. Subsequently, Ibn al-Qāsim presents a modified view of Mālik, according to whom—under the described circumstances and by mentioning the *maqām Ibrāhīm* in Mecca as a place of sacrifice[75]—*kaffārat al-yamīn* should be substituted with a sacrificial animal (*hady*). However, both are void, according to Mālik's further argument, if during the original swearing of the oath *no niyah* was present. Ibn al-Qāsim is supposed have learned of this second reason, not directly from Mālik, but rather from a closer unnamed but reliable source: "*wa-balaghanī ʿan-hu* [that is, Mālik] *mimman athiqu bi-hi* . . .". Ibn al-Qāsim then gives priority to this second statement of Mālik also: "*wa-huwa aḥabbu ilay-ya mimmā samiʿtu.*"

The discussion of the legal question between Ibn al-Qāsim and Saḥnūn was surely triggered by the passage in the *Muwaṭṭaʾ*, as can

[73] The manuscript records here a وجه اهتدى (for اهتداء؟).

[74] Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Yaḥyā b. Yaḥyā], 2:476, no. 7; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Abū Muṣʿab], 2: no. 2215; compare as variants ʿAbd al-Razzāq, *al-Muṣannaf*, 8: no. 15903 with the *isnād* Ibn Jurayj—Yaḥyā b. Saʿīd—al-Qāsim b. Muḥammad—Ibn ʿAbbās.

[75] For the meaning of the place, see Muranyi, "'*Man ḥalafa ʿalā minbarī āthiman* . . .' Bemerkungen zu einem frühen Traditionsgut," *Die Welt des Orients* 18 (1987): 109–111.

be inferred from the chronologically later source, the *Mudawwanah*.[76] There the knowledge of the *ḥadīth Ibn ʿAbbās* clearly appears. The episode between the woman carrying out an oath and Ibn ʿAbbās (*ḥadīth Ibn ʿAbbās*) with its legal directive stands now in the center of further legal discussions: for Mālik's position in the Manuscript إنّ ذلك يعجبني is demonstratively emphasized by Saḥnūn: "*innī arā an ākhudha fī-hi bi-ḥadīth Ibn ʿAbbās wa-lā ukhālifa-hu.*"

Thus the material in the *Muwaṭṭaʾ* requires a more exact clarification in terms of content, than that which occurs in the *Mudawwanah* in a detailed discussion between Ibn al-Qāsim and Saḥnūn.[77] As for the second, modified legal opinion of Mālik—*kaffārah* and sacrificial animal only with an expressly present *niyah* when taking the oath—Ibn al-Qāsim comments on it in Saḥnūn's *Mudawwanah* as follows: "*wa-dhālika aḥabbu ilay-ya min alladhī samiʿtu anā min-hu.*" Since this *masʾalah* in the *Mudawwanah* is merely introduced with the otherwise usual "*thumma suʾila Mālik baʿda dhālika,*" the formulation of this passage is not completely understandable. It is more clearly formulated in the *Samāʿ*: "*wa-balaghanī ʿan-hu mimman athiqu bi-hi.*" When compared with each other, the two passages show that the relatively controversial discussion of this *masʾalah* was triggered by two different positions of Mālik, which were discussed first in the *Samāʿ* of Ibn al-Qāsim and then in the *Mudawwanah.*

The doubtlessly controversial position of Mālik[78] above—instead of child sacrifice, an animal sacrifice at the *maqām Ibrāhīm*—again finds expression in the manuscript in the description of a swearing of an oath comparable in content:

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[76] Saḥnūn, *al-Mudawwanah,* 3:99.

[77] For the controversial discussion of the permissibility of *kaffārah* or *hady*, see Ibn ʿAbd al-Barr, *al-Istidhkār,* 15:53–58; al-Bayhaqī, *Maʿrifat al-sunan wa-al-āthār,* edited by Sayyid Kusrawī Ḥasan (Beirut: Dār al-kutub al-ʿilmīyah, 1991), 7:334ff.; al-Bayhaqī, *al-Sunan al-kubrā* (Haydarabad: Maṭbaʿat majlis dāʾirat al-maʿārif al-niẓāmīyah, 1344–1356 A.H. [1925–1937]) 10:73; al-Ṭabarānī, *al-Muʿjam al-kabīr,* edited by Ḥamdī ʿAbd al-Majīd al-Silafī (Cairo, 1400/1980–1405/1985), 11:353–354. For the Mālikīyah, Ibn ʿAbd al-Barr, followed the opinion transmitted from Masrūq and rejected *in silentio* the doctrine of Mālik: Ibn ʿAbd al-Barr, *al-Istidhkār,* 15: no. 20968–9. Abū Muṣʿab categorically rejected *kaffārah* in this case: see Abū Muṣʿab, *al-Mukhtaṣar* (Ms. *Qarawīyīn* 874), 162.

[78] See the examples above. The swearing of an oath in this form is viewed as *maʿṣiyah* and consequently as reprehensible. Therefore, it requires neither the *kaffārah* nor a replacement offer. Nevertheless, the issue of the *ḥadīth Ibn ʿAbbās* in the *Muwaṭṭaʾ* was not settled, probably because of the legendary intended sacrifice of al-Muṭṭalib!

Folio 5a:

وسُئل عن امْرَأةٍ قالت: أنا أنْحر ولدي عند مقام إبراهيم ألاّ تَقْبَلَ طعاماً بُعثَ به إليها، ثمّ احْتَاجَتْ فقَبلَتْه، قال: أرَى أنْ تهدي بدنةً، قيل له: فإنّها لا تجد بدنة أتَهْدي شاةً، قال: شاة أَحَبُّ إليَّ منْ ألاّ تهدي .

The *mas'alah* has a parallel neither in *'Utbīyah* nor in the *Mudawwanah*; however the trend in the solution of such—probably constructed—legal cases is clear: an animal sacrifice is to be furnished even in such exceptional cases. With Mālik, both legal questions basically take into account the substitution of an animal sacrifice; this was obviously also reason enough to criticize his position—even in its modified form—from a religious ethical view. However, the discussion in the circle of his students in its full breadth becomes comprehensible only by the chronological layering of the relevant legal sources—*al-Muwaṭṭa'*, the *Samā'* of Ibn al-Qāsim, and *al-Mudawwanah* of Saḥnūn. The fact that the swearing of the oath was considered legally invalid justifies the prophetical directive "*man nadhara an yuṭī'a Allāha fa-l-yuṭi'-hu wa-man nadhara an ya'ṣiya Allāha fa-lā ya'ṣi-hi*," which the *Muwaṭṭa'* also records[79] but is not brought into play by Mālik in the discussion above.

Ibn al-Qāsim likewise comments on and criticizes a further opinion of Mālik in the first *mas'alah* in the chapter *iṣābat al-rajul al-jāriyata fī-hā yamīnun*[80] with knowledge of the traditional material transmitted in the *Muwaṭṭa'*, without referring to it *expressis verbis*. Here also, his amendment to Mālik's teachings is contained in parentheses,

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[79] Mālik b. Anas, *al-Muwaṭṭa'* [recension of Yaḥyā b. Yaḥyā], 2:476, no 8; Mālik b. Anas, *al-Muwaṭṭa'* [recension of Abū Muṣ'ab], 2: no. 2216; Mālik b. Anas, *al-Muwaṭṭa'* [recension of al-Ḥadathānī] edited by 'Abd al-Majīd Turkī (Beirut: Dār al-gharb al-islāmī, 1994), No. 269; al-Jawharī, *Musnad al-Muwaṭṭa'*, edited by Luṭfī b. Muḥammad al-Ṣaghīr and Tāhā b. 'Alī Būsarīḥ (Beirut: Dār al-gharb al-islāmī, 1997), no. 449 [in the *riwāyah* al-Qa'nabī]; Ismā'īl b. Isḥāq al-Qāḍī, *Musnad Mālik b. Anas*, Ms. Kairouan folio 13b [in the *riwāyah* of Abū Muṣ'ab]. See also Abū Dāwūd, *Sunan Abī Dāwūd*, edited by Muḥammad Muḥiy al-Dīn 'Abd al-Ḥamīd (Beirut: Dār iḥyā' al-turāth al-'arabīy, n.d.), 3: no. 3289 [in the *riwāyah* of al-Qa'nabī]; al-Tirmidhī, *Sunan al-Tirmidhī*, edited by Ibrāhīm 'Aṭwah 'Awad (Cairo: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī, 1962), 4: no. 1526 [in the *riyāwah* of Qutaybah b. Sa'īd], to name only some transmitted variants from Mālik. The dictum appears to be old and was likely the generally acknowledged norm already during the governorship of Marwān b. al-Ḥakam in Medina. See al-Ṭabarī, *Tarīkh al-rusūl wa-al-malūk*, edited by M.J. de Goeje (Leiden: E.J. Brill, 1964–65), 1:1073–1074, with the clear trend to act thusly with one who actually commits such a reprehensible oath swearing of *kaffāra*, and to strengthen this as the valid Umayyad legal practice in the future.

[80] Folios 10b–11a.

which Saḥnūn no longer included during the second reading (*ṭaraḥa-hu Saḥnūn*):

قال مالك في رجلٍ حَلَفَ بحُرّية جاريةٍ له على شيءٍ ليفعلنّه، قال : إنْ كان ضرب لذلك أجلا فإنّي أُرَى أنْ يطأها ، وإنْ كان لم يضرب لذلك أجلا فإنّي أرَى أنْ يكفّ حتّى يفعل الذي حَلَفَ عليه ليفعلنّه .

Subsequently, the comment of Ibn al-Qāsim follows in parentheses:

[قال : إنّما كره من ذلك فيما أرَى في حديث ابن عمر : لاَ تطأ جاريةً إلاّ جارية إنْ شئْتَ بعْتَها وإنْ شئْتَ وهبْتَها ؛ قال ذلك فيما أرَى في الّذي صنع ابن مسعود لامْرَأته زينب الثّقفيّة ، فهذا الشّرْط الذي يُكْرَهُ فيه الوطئ ، فأمّا أنْ يشترط الرّجل على الرّجل اليمين يوثقه بها في قضاء دَيْنٍ إلى أجل ؛ فليس بالوطئ في مثْل هذا الشّرْط بأسٌ ، ولو وقف عن هذه لوقف عن أمّ ولده ومدبْرته وهما ممّا لا يستطيع بيْعهما فأرى أنْ يطأها إذا ضرب لذلك أجلا].

Ibn al-Qāsim clearly develops his argument according to the *Vorlage* of the *Muwaṭṭaʾ* and differentiates between the individual legal cases; the reference to *ḥadīth Ibn ʿUmar* (or the contract between Ibn Masʿūd and his wife Zaynab al-Thaqafīyah cited by Mālik), which was surely well-known at that time, is sufficient here. Ibn al-Qāsim also transmits both segments in his recension of the *Muwaṭṭaʾ* of Mālik—however in a chapter (*al-ʿayb fī al-raqīq*) different than the remaining well-known recensions.[81]

In summary, it can be stated that the *Mustakhrajah* is currently our only source in the subsequent literature— mind you, in the commentary of Abū al-Walīd b. Rushd[82]—for which it is possible to reconstruct the content of Ibn al-Qāsim's *Samāʿ*—with some substantial reservations. The *masāʾil* in the *Mudawwanah*, though related in style and structure, differ from our manuscript as the following textual comparisons illustrate.

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[81] In a Kairouan fragment on parchment, which preserves a section of the *Kitāb al-buyūʿ*, p. 5. The manuscript was made in Muḥarram 371/July 981 and collated with the copy of ʿĪsā b. Miskīn (d. 295/907) of Kairouan; compare Muranyi, *Beiträge*, 130–132. See also Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Yaḥyā b. Yaḥyā], 2:616, no. 6.; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Abū Muṣʿab], 2: no. 2492; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of al-Ḥadathānī], no. 221; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of al-Shaybānī], edited by ʿAbd al-Wahhāb ʿAbd al-Laṭīf (Cairo: al-Majlis al-aʿlā li-al-shuʾūn al-islāmīyah, 1967), no. 791; Ibn ʿAbd al-Barr, *al-Istidhkār*, 19:67ff.

[82] Naturally, to this can be added the Kairouan manuscript fragments of the *ʿUtbīyah* in the arrangement of Ibn Abī Zayd al-Qayrawānī (see above, page 343). The Ms. *Escorial* 612 preserves four sides from the *ʿUtbīyah*, whose *riwāyah* cannot be determined. Four additional pages belong to Saḥnūn's *al-Mudawwanah* (*Kitāb al-ḥajj*). The information in Sezgin, *Geschichte des arabischen Schrifttums*, 1:472 is to be appropriately revised.

Folio 4a:[83]

وقال مالك فيمن خَرَجَ في مَشْيٍ عليه فمرض في بعض الطّريق فركب يومًا أو ليلةً ومَشَى بعد ذلك حتّى بلغ : أَرْجُو أنْ يكون مجزئا [84] عنه ويهدي ما اسْتَيْسَرَ منَ الهَدْيِ، فمَنْ[85] لم يجد صام عشرة أيّام .

The comparable legal question in the *Mudawwanah*[86] contains, however, no regulation for the case in which the oath-taking person has to fast for ten days, if he cannot find an animal sacrifice:

لو أنّ رجلا مرض في مَشْيه فركب الأميال أو البريد أو اليوم ما رَأَيْتُ عليه الرّجوعَ ثانيةً لركوبه ذلك، فرأيْتُ أنْ يهدي هدْيًا ويجزىء عنه .

Folio 4b (the textual variants by Abū al-Walīd b. Rushd are quoted as footnotes):[87]

وسُئل عمّن نَذَر صيامًا بالمدينة[88] أو بيْت المَقْدس[89] أو عسْقلان أو الإسكندرية أو بلدٍ منَ البلدان فيه فَضْلٌ[90]؛ قال: مَنْ نَذَرَ صيامًا في مثل بيْت المَقْدس[91] أو المدينة [92] أو ساحل البحر[93] تُرْجَا بَرَكَةُ الصّيام فيه فإنّي أرَى ذلك عليه، ومَنْ نَذَرَ في غيْر ذلك مثل العراق وما أشبهه فلا أرَى أنْ يأتيه؛[94] ومَعْنى قوْله ولْيصوم ذلك الصّوْمَ بموْضعه[95] .

Whether it is a matter of emendations by Abū al-Walīd b. Rushd in the comparison with the *Mustakhrajah* or of variants in the legal statement, I am not able to answer through the comparison with the legal questions with similar content in the *Mudawwanah*. Why in the text of the manuscript just Mecca remains unmentioned, and why in the text of the *al-Bayān wa-al-taḥṣīl* Jerusalem is *missing* instead in the enumeration of places worth visiting, cannot be fathomed at present in detail nor according to legally relevant criteria.

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83 Equals Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 3:404 from the *Mustakhrajah*, from the *Samāʿ* of Ibn al-Qāsim in the *riwāyah* of Saḥnūn.
84 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 3:404: أن يجزىء عنه .
85 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 3:404: فإن .
86 Saḥnūn, *al-Mudawwanah*, 3:78, 2–3.
87 Equals Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*, 2:305 from the *Mustakhrajah*, from the *Samāʿ* of Ibn al-Qāsim in the *riwāyah* of Saḥnūn).
88 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*: بمكة وبالمدينة .
89 Omitted in Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*.
90 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*: رجا فيه الفضْل .
91 Omitted in Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*.
92 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*: المدينة ومكة .
93 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*: أو ساحل من السواحل .
94 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*: قال ابن القاسم: ومعنى...
95 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl*: بمكانٍ الذي هو فيه .

In the *Mudawwanah* the starting place is also different at the beginning of the *mas'alah* related in content; the holy cities are this time not the places where the oath is redeemed, but where oath is sworn. Accordingly, the legal directive at the end *mas'alah* also shifts in content:

al-Mudawwanah:[96]

ومَنْ قال من أهْل المدينة أو من أهْل مكّة ومن أهْل بيْت المَقْدس: لله عَلَيَّ أنْ أصوم بعسقلان أو الإسكندريّة شهراً، فعليه أنْ يأتي عسقلان أو الإسكندريّة فيصوم بها شهراً كما نذر. قال: وكلّ موْضع يتقرّب فيه إلى الله بالصّيام فإنّي أرَى أنْ يأتيه وإنْ كان من المدينة أو مكّة .

Thus, in this case it is obvious that it derives from two legal questions originally independent of each other, which exhibit only some common stylistic characteristics, but not regarded as variants of one and the same *mas'alah*.

Generally, it appears that the discussion of the overwhelming majority of the legal questions in the *Samā'* of Ibn al-Qāsim takes place in substantially more detail than in Saḥnūn's *al-Mudawwanah*. This is so even if one takes into account the different principle of arrangement of the *masā'il* with Saḥnūn and assumes that certain legal questions were dealt with in different chapters of the *Mudawwanah*. Altogether, the London manuscript impresses one with its depth of content and variety of the *masā'il*, which are not seen in the comparable sections of the *Mudawwanah*.

In the chapter *man nadhara jiwāra ayyāmin / nadhru mashy ilā masjidi al-nabīyi aw bayti al-maqdis* questions with a related legal theme are discussed in fourteen lines, which in this form are verifiable neither in Saḥnūn's *al-Mudawwanah* nor in the *'Utbīyah*—in accordance with Abū al-Walīd's *al-Bayān wa-al-taḥṣīl*.

Folio 6a:

قال مالك: مَنْ نَذَرَ جوارَ أيّامٍ فإنّه إنْ كان أراد الاعْتكاف فسُنَّتُهُ سنّةُ الاعْتكاف. قال: وإنْ أراد جوارَ الحَرَمِ بمكّة فإنّ ذلك لا صيامَ فيه، وهو يُصيبُ أهْلَهُ إنْ شاءَ. وقال في المُجَاوِرِ الّذي ينذر جواراً لا يخرج[97] في ليْلٍ ولا نهارٍ إلاّ لحاجةٍ للغائط أو للبول.
قال: ومَنْ نَذَرَ مَشْيًا إلى مسْجد النّبيّ ﷺ أو مسْجد بيْت المقدس للصّلاة فيهما فإنّه يركب

[96] Saḥnūn, *al-Mudawwanah* 3:86–87.
[97] Manuscript: جوارلا يخرج , obviously an *'alif* is missing before the لا .

حتّى يأتيهما فيصلّي فيهما ، ولا يكون المَشْيُ إلاّ إلى الكعْبة في حجٍّ أو عمْرةٍ؛ فأمّا مَنْ نذر وجعل على نفْسه أنْ يصلّي [98] في مسْجدٍ يعرفه غير مسْجد الحرام ومسْجد النبيّ ومسْجد بيْت المَقْدس فإنّه يصلّي حيْثُ هو ولا يسير إليه لأنّه جاءَ عن النّبيّ ﷺ أنّه لا تُعْمَل المَطيُّ إلاّ إلى ثلاثة مساجد [99] ؛ قال مالك: إلاّ أنْ يكون ذلك المسْجد الّذي حَلَفَ فيه قَرِيبًا فيأتيه فيصلّي فيه .

وقال في مَنْ قال: عليَّ المَشْيُ إلى بعض المساجد مثْل بيْت المَقْدس أو المدينة وهو قريبٌ منه مثْل الميْل ونحوه، قال:لا يَمْشي إلاّ إلى الكعْبة . قال مالك: مَنْ نَذَرَ أنْ يمشي إلى بيْت المَقْدس إنْ كان أراد الصّلاة فيه أنّه يأتيه راكبًا فيصلّي فيه، ولا شيء عليه غيْر ذلك. [قال ابن القاسم: إنْ لم يُرِدِ الصّلاة فيه إلاّ مَشْيًا إليه فلا شيء عليه] .

About this on the margin:

قَرَأَهُ محمّد وقال: عرضه سحنون في الأولى وطرحه في الأخرة .

Saḥnūn presents these legal questions in a substantially simplified form in the *Mudawwanah*.[100]

VI

For legal *masāʾil*, the normal formulation of the question is "*wa-suʾila*" or "*suʾila Mālik ʿan*". This is interrupted on folio10b, lines 5 to 17 (that is, to end of the chapter), and newly formulated as "*wa-suʾila Ibn al-Qāsim ʿan qawli Mālik*". This would actually be nothing exceptional, if indeed Mālik's legal teaching followed after the legal question. However, this is not the case here; the answer is always given by Ibn al-Qāsim himself—without any reference to Mālik.

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[98] Manuscript: after أنْ يصلّي incorrectly: حيث هو, but crossed through by the copyist.

[99] For the *ḥadīth* "*lā tuʿmalu al-maṭīyu . . .*" see Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Yaḥyā b. Yaḥyā], 1:108–109; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of Abū Muṣʿab], 1: no. 463; Mālik b. Anas, *al-Muwaṭṭaʾ* [recension of al-Ḥadathānī], no. 145; Ibn ʿAbd al-Barr, *al-Istidhkār*, 5: no 6005–6; Ibn Ḥibbān, *Saḥīḥ*, 7: no. 2772; Ibn Qāniʿ, *Muʿjam al-ṣaḥābah*, edited by Khalīl Ibrāhīm Qūtalāy and Ḥamdī al-Damardash Muḥammad (Mecca/Riyadh: Maktabat Nizār Muṣṭafā al-Bāz, 1998), 2:792, no 172; al-Ḥumaydī, *Musnad*, 2: no. 944; and Wensinck, *Concordance*, 6:242.

[100] Saḥnūn, *al-Mudawwanah*, 3:86.

وسُئل ابن القاسم عن قوْل مالك في الرّجل يحلف بطلاق امْرَأته ألاّ يبايع رجلا، فاحتاج إلى أجيرٍ فاسْتأجر ذلك الرّجل في عملٍ منَ الأعْمال، هل يكون حانثًا بذلك لقوْل مالك في الإجارة إنّها بيْعٌ منَ البيوع ، وإنّما أراد ألاّ يبايعه ولم يحاش الإجارة ولم يَنْوها . قال ابن القاسم: ذلك إلى نيته، إنْ كانت له نيةٌ، إلاّ فهو حانثٌ لأنّ الإجارة بيْعٌ منَ البُيوع .

وسُئل ابن القاسم عن قوْل مالك في الرّجل يحلف بطلاق امْرَأته ألاّ يُداينَ رجلا سمّاه، فاحتاج إلى عمله فيؤاجره في عملٍ منَ الأعْمال، هل يكون ذلك مُدايَنةً يحنث بها ، فقال ابن القاسم: إنْ لم تكن له نيةٌ فلا أرَى ذلك له لأنّ الإجارة ديْنٌ وإنْ كانت له نية إنّما أراد ألاّ يسلفه ولا يبيعه ، فلا أرَى بأسًا .

وسُئل مالك عن الرّجل يحلف ليضربنّ غلامه الرّأسَ فضرب وجْهَهُ، فقد حنث، وإنْ لم يُرِد ذلك رأيْتُه برّاً إذا ضربه في وجْهه وخدّيه . وأمّا الأنف واللُّحي الأسْفل فلا أرَاه منَ الرّأس، فذلك أنّه لو حلف ألاّ يضربه في الرّأس فضربه في جبْهته لكان حانثًا إلاّ أنْ تكون له نية أنّه أراد فوْق رأسه .

The entire passage stands together with a preceding commentary of Mālik's teachings by Ibn al-Qāsim that begins on folio10a in parentheses. The entire section related there contains the now familiar marginal note:

قَرَأهُ محمّد وقال: أسقطه سحنون في العرْضة الأخرة .

Only in first *mas'alah* are Mālik's teachings ("*al-ijāratu bayʿun min al-buyūʿ*") directly referred to, and then only in form of the formulation of the question. However, the discussion of the legal question, with which Mālik's teaching addressed here conforms, comes directly from Ibn al-Qāsim. In addition, in the two other legal questions the answers clearly come again from Ibn al-Qāsim—"*qāla Ibn al-Qāsim*"—as his own legal opinions, without resort to possible statements by Mālik concerning the questions. When reading these passages, one gets the impression that the legal questions in some cases were discussed with the knowledge of Mālik's teachings in the lectures of Ibn al-Qāsim and that they were absorbed afterwards as his teachings in the *Samāʿ*. Thus, the discussion of the *masāʾil* takes place in the manuscript on two levels. On the one hand, Ibn al-Qāsim reports Mālik's teachings directly by the usual introduction: "*qāla Mālik*," "*wa-saʾaltu Mālikan*," or "*suʾila Mālik*." On the other hand, someone poses the questions to Ibn al-Qāsim through "*suʾila Ibn al-Qāsim ʿan qawli Mālikin*," whereupon Ibn al-Qāsim's own legal instructions fol-

low, which are not necessarily attributed to Mālik as the last authority of *mas'alah* or as its originator.

On folio 16b of the manuscript, the same phenomenon is to be observed again; six sequential *masā'il* are introduced with "*wa-su'ila Ibn al-Qāsim ʿan qawli Mālikin*". Once again the answer comes from Ibn al-Qāsim as his legal instruction. Only in the last *mas'alah*, whose structure consists of three partial questions, does Ibn al-Qāsim refer somewhat vaguely and only indirectly to Mālik's teachings:

وسُئل عن قولْ مالك في الرّجل يحلف بطلاق امْرَأته ألاّ يجاور عبْدَ فلانٍ سمّاه باسْمه فباعه سيّدُه وباع الدّار التي فيها العبْدُ، هل تَرَاه حانثًا إنْ أقام على ذلك، وكيف إنْ كانت الدّار لغيْر سيّد العبْد، وكيف إنْ حلف ألاّ يكلّم عبْدَ فلانٍ فباعه سيّدُه، هل يكون حانثًا إنْ كلّمه؛ قال ابن القاسم: إنْ لم يكن أراد العبْدَ بعيْنه فلا أرَى عليه شيْئًا إذا قال عبْد فلان، وإنّما هو بمنزلة مَنْ قال لا أدْخُلُ دارَ فلانٍ ولا أسْكن دارَ فلانٍ، فإذا لم يُرد الدّارَ بعيْنها فمات فورثها غيْره أو باعها، فكذلك إذا لم يُرده بعيْنه؛ وكذلك قولْ مالك فيما أعْلَمُ.

VII

As previously mentioned, in the Kairouan mosque library there is only one example from the *Samāʿ* of the Ibn al-Qāsim—a title page and final sheet recto and verso. The remainder of the book has so far not been found. Folio 1 recto preserves the title of the work with the *riwāyah* in addition to the *tamalluk*-note:

كتاب النكاح والرضاع من سماع عبد الرحمان بن

القاسم من مالك

ابن أنس رواية سحنون بن سعيد

The name of the owner, who is also the copyist of the manuscript, was nearly erased by unknown handwriting so that it was almost indiscernible—which is not a rare phenomenon in Kairouan manuscripts. Merely a لمحمّد بن أحمد, is decipherable. He is Abū al-ʿArab al-Tamīmī (d. 333/945),[101] who had made the parchment book for himself.[102]

[101] Muranyi, *Beiträge*, 196–205.

[102] Other pieces of work from his library exist in the Mosque Library. See

The booklet begins with the *Kitāb al-nikāḥ* on folio 1 verso with the *bāb*-title: أولياء عقدة النّكاح; altogether 33 lines are preserved, the last twelve of which have become illegible due to moisture damage. On the final page two chapter headings from the *Kitāb al-riḍāʿ* are preserved: الرضاعة من قبل الأب والأمّ; only in this chapter is a parallel passage verifiable in the *al-Bayān wa-al-taḥṣīl*.[103] The last chapter heading of the work is شهادة النّساء في الرضاعة.

At the colophon, entered by Abū al-ʿArab al-al-Tamīmī, stands the following collation note:

مُقابَلٌ بكتاب ابن عبدوس والحمْد لله ، كتبْتُهُ من كتاب ابن عبدوس .

An entry from an unknown hand stands beneath it, which allows us to infer the Kairouan *riwāyah* of the work:

سمعْتُ جميع كتاب النكاح من سهل بن أبي سليمان (sic)
وعيسى بن مسكين وجبلة بن [حمّود] كلّهم عن سحنون .

The persons enumerated here are well-known as pupils of Saḥnūn; however, the first name was obviously written incorrectly, because there is a Sahl b. ʿAbd Allāh b. Sahl al-Qibriyānī, with the *kunyah* Abū Zayd (209/824–282/895),[104] and a Aḥmad b. (Dāwūd) b. Abī Sulaymān (206/821–291/903),[105] who to all appearances also transmitted the London manuscript.[106] Thus, the entry is probably missing only a *wāw* between "Sahl" and "Ibn Abī Sulaymān."

The *Vorlage* of the Abū al-ʿArab was the copy of a certain Ibn ʿAbdūs, whom I elsewhere erroneously identified as the noteworthy scholar Muḥammad b. Ibrāhīm b. ʿAbdus (202/817–260/874)[107] of Kairouan, the author of the *Majmūʿah*.[108] However, on the grounds of time the aforementioned collation note's implication of direct contact and a possible teacher-pupil-relationship between Muḥammad b. Ibrāhīm b. ʿAbdūs and Abū al-ʿArab cannot be confirmed. The

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Muranyi, "Qairawāner Miszellaneen I," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 136 (186): 512ff.

103 Abū al-Walīd, *al-Bayān wa-al-taḥṣīl* 5:148.

104 Muranyi, *Beiträge*, 78–80.

105 Muranyi, *Beiträge*, 117–119.

106 See above, page 000. For ʿĪsā b. Miskīn (214/829–295/907), see Muranyi, *Beiträge*, 129–137; for Jabalah b. Ḥammūd (d. 299/911), see Muranyi, *Beiträge*, 149–151.

107 Muranyi, *Beiträge*, 65–66.

108 Muranyi, *Beiträge*, 54.

former died in 260/874, thus seventy-three years before Abū al-ʿArab's death in the battle against the B. ʿUbayd near al-Wādī al-māliḥ between Sūsa and al-Mahdīyah in the year 333/944. However, Abū al-ʿArab had an older contemporary, with whom he studied in the *ḥalqah* of Yaḥyā b. ʿUmar and who had a similar name: he is called ʿUmar b. Yūsuf b. ʿAbdūs b. ʿĪsā.[109] He lived in Kairouan and Sūsa, where he died in 290/903. Abū al-ʿArab himself praised him, emphasizing that he possessed carefully produced writings (*kāna ṣāliḥan thiqatan thabatan ḍābiṭan li-kutubi-hi*) and that he was his teacher: *wa-samiʿtu anā min hu.*[110]

Later certificates of audition and *qirāʾah* notes, entered by an unknown hand on the edge of the final page, are dated 328/939–940 and 361/971–972. The persons, whose names are only partially legible, cannot be identified. The *latest* entry in the year 361/971 took place in the circle of a certain Abū al-ʿAbbās; in that time the scholar ʿAbd Allāh b. Aḥmad b. Ibrāhīm al-Ibyānī of Kairouan, who died around 361/971, is referred to with this *kunyah* several times in the *isnād*s of works transmitted in the scholarly circles of the city.[111] The information in the colophon of the Kairouan fragment matches the data present in the London manuscript well; both works from Ibn al-Qāsim's writings were taught continuously from Saḥnūn to the late fourth/tenth century in the city. Copies of them were produced from older *Vorlagen* from the middle of the third/ninth century (i.e., Ibn ʿAbdūs → Abū al-ʿArab) and the early fourth/tenth century (i.e., copy of Ziyād b. Yūnus al-Sudrī).

The degree of circulation of Ibn al-Qāsim's *Samāʿ* was considerable in the subsequent generations after Saḥnūn, and its study in Kairouan took place parallel to that of the *Mudawwanah* of Saḥnūn, in which most of the legal questions addressed by Ibn al-Qāsim were not discussed. Aware of older writings—which he otherwise transmitted in his hometown—Saḥnūn had already made a certain selection of *masāʾil* in the individual chapters of *fiqh*. The first selection

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[109] In Ibn al-Faraḍī, *Taʾrīkh ʿulamāʾ al-Andalus*, no. 943 probably incorrectly: ʿUmar b. Yūsuf b. *ʿAmrūs*. Likewise in al-Ḍabbī, *Bughyah*, no. 1173. In al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 5:125 and in contrast, *ʿAbdūs*, in the partial edition from, al-Qāḍī ʿIyāḍ, *Biographies Aghlabides: extraites des Madarik du Cadi Iyad*, edited by M. Ṭalbi (Tunis: University of Tunis, 1968): 398.

[110] al-Qāḍī ʿIyāḍ, *Biographies Aghlabides*, 398.

[111] Muranyi, *Beiträge*, 228–230, 289, and 408.

possibly occurred during the reading of Ibn al-Qāsim's writings after his return to Kairouan. During the composition of his *al-kutub al-mudawwanah*, he obviously made a further selection from those he knew and from his collected legal questions. He oriented himself—even if only in very limited way—both toward Syrian legal ideas and to *hadīth* material, which he found particularly in the writings of the Egyptian Ibn Wahb.

In order to be able to identify the *origins* of the legal literature more precisely, the basic research (*Grundlagenforschung*) continues to be dependent on the collection of these available manuscript materials and on the determination of history of their transmission. It is hardly surprising that sufficiently well-known biographical reports about the activities of earlier *fiqh* authorities are confirmed bibliographically by the appropriate studies of manuscripts.[112]

[112] Den vorliegenden Beitrag hat Prof. H. Berg, der Herausgeber dieser Anthologie, ins Englische übertragen. Sowohl für seine Übersetzung als auch für seine zahlreichen Anregungen habe ich auch an dieser Stelle sehr herzlich zu danken.

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